

THE DVTIES OF
Constables, Borsholders,
Tythingmen, and such other
low and Lay Ministers
of the Peace.

Whereunto be adioyned, the se-
uerall offices of Church Ministers
and Churchwardens, and Ouerseers
for the Poore, Surueighours of the
highwaies, and distributors
of the prouision against
noysome fowle and
vermine.

First collected by WILLIAM
LAMBARD *of Lincolnes*
Inne GENT.

And now enlarged in the
yeare 1604.

With an addition of the effect of the sta-
tutes, made in the Session of Parliament last-
lie holden, which are most necessarie
for such Officers to know, as touching
their Offices, & for the reliefe
and ordering of the in-
fected with the
Plague.

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WIGHT. 1604.
CVM PRIVILEGIO
Regiæ Maiestatis.

THE DUTIES OF

Consistables, Bailiffs, and other

Magistrates, and in other

Parts of the Law

Wherein is also contained

an account of the

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The duties of Constables, Bor-
sholders, Tythingmen, and such
other low Ministers of
the peace.



Understanding by ¹The pre-
face. sundry friends of
mine, that manie
wel disposed men
do earnestly wish,
that some on thore
and plain collecti-
on might be made

of the duties of High Constables, petie
Constables, Borsholders, Tythingmen,
Hedborows, and such like inferior Mi-
nisters of the Kinges Maiesties peace:
to the ende that when any of them should
be called to any of the said offices (or the
like) they might the better behaue them-
selues in doing the same: I haue thought
it a thing worthy the labour, to sende a-
broad among them this little Treatise,
which I haue drawne to satisfie in some
part their honest desire: hartly praying
vnto God, that as their knowledge may
be increased in the reading hereof, so also
their diligence may bee amended in the
practise of the same, to the setting forth of
the glory of God, and to the advancement

4 The duties of Constables.

of the Kinges Maiesties service in this behalfe.

The diuision
of this
worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned mē doth require: I wil first speake somewhat, both of che sundrie names & beginnings of these officers, and then afterward I wil go in hand with che parts of their seuerall dueties.

The
names of
these Officers.

3 The sundry names of Constables, or High constables, that be of Laths, Rapes Wapentakes, Hundreds, & Franchises: & the diuerse names also of Cōstables, petic Constables, Tythingmen, Borsholders, Boroheads, Headboroës, chief pledges, & such other (if there be any) that beare office in towns, parishes, hamlets, tithings, or borowes (for of Constables of Castles, otherwise called castellans, & such others I meane not to entreat) are all (in effect) but two, that is to say, Constables & Borsholders: for these two words do contain as much as all the rest of those names, and to those two al the rest of them may be reduced: and therefore, in speaking seuerally of those two, I will passe along and touch all the rest also.

Constables name.

4 The name Constable, is made (as I haue

31. R. 2.
cap. 12.

13. E. 1.

have read) of two English words put together, namely, Cunig, (or Cyng) & Staple, which doe signifie, the stay (or hold) of the king. For by the auncient custome of this realme, there is a great officer, called the constable of England, who by means of the high authoritie that hee had, was a principall stay vnto the Kinges gouernment: and this man had iurisdiction & authority in deeds of Armes, and matters of warre, both within & without the realme. Out of which office, this lower constableness was at the first drawn & fetched, and is (as it were) a very finger of that hand. For the statute of *Winchester*, which was made in the time of K. Edward the first, & by which these lower Constables of hundreds and Franchises were first ordained, doth (amongst other things) appoint, (that for the better keeping of the Peace, two Constables in euery Hundred and Franchise, should make the view of Armour.

His begins
ning.

So then, the name of Constable in a hundred or Franchise doth meane, that he is an officer, that supporteth the Kinges Maiestie in the maintenance of his peace, within the precinct of his hundred or franchise: & he is many times called the High Constable, in comparison of the Constables, or petty Constables, that be in the townes,

6 The duties of Constables.

of parishes within his hundred or franchise: whose part it likewise is, to maintain the peace within the severall limits of their owne townes or parishes.

Borsholders name.

5 As touching Borsholder (which is the other generall name, & doth contain within it the meaning of Tythingmen, Borrowheades, Headborowes, Thirdborowes, & chiefe pledges) that also is made up of these two English words, Borhes, & Ealder, of the which Borhes betokeneth pledges, & Ealder signifieth the Chiefe, the Head, or the Ealder: and Borhscaelder in one word, doth meane the chiefe (or head) of the suerties, or pledges.

His two offices.

6 But now that you may the better understand what is meant by this, you must further know, that every of these Borsholders, Tithingmē, Borrowheads, hedborows, Thirdborowes, & chiefe pledges, hath two severall offices at this day: the one being his auncient and first office, and the other his latter made office.

His first office.

7 His first office beganne thus: by the auncient lawes of this realme (before the coming in of king Willia the Conquerour) it was ordeined for y^e more sure keeping of the Peace, & for the better repressing of theenes & robbers, that al free boyn men should cast themselves into severall compa-
Archais nomia.

companies, by ten in each companie: and that euery of those tenne men of the companie, should be suertie and pledge for the forth-comming of his fellowes: so that if any harme were done by any of these ten against the peace, then the rest of the ten should be amerced, if he of their companie that did the harme should flie, and were not forth-comming to aunswere to that wherewith he should be charged.

And for this cause, these companies be yet in some places of England (& namely with vs in Kent) called Boroos, of the said word Borhes, Pledges, or suerties: albeit in the western parts of the Realme they be commonly named Tythings because they containe (as I told you) the number of ten men with their families. And euen as ten times ten doe make an hundred: so, because it was then also appointed that tenne of these companies should at certaine times meete together for their matters of greater waight, therefore that generall assembly (or court) was (and yet is) called a Hundred.

Furthermoze it was the also ordained, that if any man were of so euill credite, y^e hee could not get himselfe to be receiued into one of these Tythings or Boroos, the he should be shut vp in prison, as a man vn-

8 The dueties of Constables.

worthie to liue at libertie, amongst men abroad.

Tithings-
man.
Headborow,
sc.

8 Now wheras euery of these Tithings (or Boroes) did vse to make choise of one man amongst these lues, to speake, & to do, in the name of them all: he was therefore in some places called the Tithingman, in other places the Boroes Elder (whom we now call Borsholder) in other places the Borohead or Hedborow, & in some other places the chief pledge, which last name doth plainly expound the other three that are next before it: for head or Elder of the Boroes, & chiefe of the pledges, be all one, And in some shires, where euery Thirdborow hath a Constable, there 2 officers of the other two be called Thirdborows.

Olde orders
in
Tithings.

9 Howeouer, in these Tithings (or Boroes) sundry good orders were obserued & amongst others: first, that euery man of the age of xii. yeares should be swozne to the King: that then no man should be suffered to dwell in any towne or place, vnlesse he were also receiued into some such suertiship & pledge as is aforesaid. Thirdly, that if any of these pledges were imprisoned for his offence, then he ought not to be deliuered without the assent of the rest of his pledges. Againe, that no man might remoue out of one Tithing (or Boroe) to dwell

Itin. Kant.

Vid. 45.

Ed. 3. 27.

Et Kitch.

Fol. 12.

Borsholders, Tythingmen, &c. 9

dwel in an other, without lawful warrāt in that behalfe. Lastly, that euery of these pledges should peerely be presented and brought forth by their chiefe pledge at a generall assembly for that purpose, which we yet in remembrance thereof do cal, the View of Frankpledge, or the Leet court

10 Hitherto I haue opened the ancient office of the *Borsholder, Tythingmā*, & the rest, whereof also there is yet to this day some shew or remnant in our *Leetes* (or *Law daies*) but if the very substance thereof were thoroughly performed (as I know no let, but that by law it may) the should the Peace of the Land bee much better maintained then now it is.

As touching the latter office that these Borsholders, Tithingmen, Hedborows, Boroheds, Thirdboroes, & chiefe pledges haue, it is in maner all one with the office of a Constable of a town, or parish, which is commonly named a petie Constable, or vnder Constable, because hee is a small Constable, in respect of the Constable, of his hundred, within whose limit he is. This latter office.

For as about y^e beginning of the raigne of king E. 3. petie Constables were deuised in towns & parishes for the aid of the Constables of the Hundred: so of latter times also, Borsholders, Tythingmen, Head-

10 The duties of Constables.

Headborowes, & such like haue bin vsed as petie Constables within their owne Borowes and tythings. And yet not so vniuersally, but that some of them haue at this day none other but their olde office. For in some of the Westerne partes of England, you shall see, that where there be many Tythingmen in one parish, there onely one of them is a Constable for the King, and the rest doe serue but as the auncient Tythingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the peace, let vs also come to the parts of their common and seuerall duties.

**Division
of their
office.**

II Forasmuch as a great and chiefe part of the dutie both of these high Constables, of Lathes, Rapes, wapentakes, Hundreds, and Franchises: and also of these Constables, petie Constables, Tythingmen, Borsholders, Borowheades, Headborowes, Thirdborowes, chiefe pledges, and such like ministers, by whatsoever other names they be called in anie Townes, Parishes, Tythings, Borowes, Hamlets, or other places of the Realme, both consist in the maintenance of the Kinges Maiesties peace, wherein (as also in some other points) the power of them all is alike, and but one, within their seuerall

all limits and places of authoritie: therefore I thinke it good to shew, first, what their common and equall duety is in matters concerning the peace, eyther by their owne authoritie, or vnder the authoritie of others: then afterwarde to declare, what their common and like duetie is in some other thinges not concerning the peace: lastly, to open those thinges wherein they haue a distinct and seuerall duetie, one from another of them.

12 The Conseruation (or maintenance) of the peace standeth in three thinges, that is to say: first, in foreseeing that nothing be done, that tendeth either directly, or by meanes, to the breach of the peace: secondlie, in quieting or pacifying those that are occupied in the breach of the peace: and thirdly, in punishing such as haue already broken the peace.

Their office concerning the Peace.

And here, least any man should be deceived in not vnderstanding what is meant by these words, The breach of the peace, he must first of all know, that by the breach of the peace, is vnderstood, not onely that fighting, which wee commonly call the breach of the peace, but also that euery murder, rape, manslaughter, & felony whatsoever, and euery affraying (or putting in feare) of the Kings people, whether it be

What is the breach of the peace.

12 The duties of Constables.

be by unlawfull wearing of Armour, or by assembling of people to do any unlawfull act, are taken to be disturbances or breaches of the Peace.

To prevent
things a-
gainst the
Peace.

13 But now, for the better preventing that nothing be done against the Peace, any of these Officers aforesaid may take (or arrest suspected persons, which walke in the night, & sleepe in the day: or which do haunt any house, where is suspicion of haudzie: and they may carrie them before a Justice of the Peace, to find suerties of their good behaviour. And if any such Officer bee not of sufficient strength to doe that alone, then may he take meet ayde of, his neighbors therto: & they in such cases be compellable to help and assist him.

13.H.7.
10. Cur.

Any of these Officers may also arrest such strange persons as doe walke abroad in the night season: and for that cause the said statute of *Winchester* did ordaine, that night watches should be kept perely, from the feast of the Ascension untill Michaelmas, by six men at every gate of euerie Citie, by twelve men in euery Borough towne, and in euery other towne by six men, or foure men, according to the number of Inhabitants in the Towne, all the night long, from sunne setting to sunne rising: so that if any stranger did passe, he should

Fit. in Inst.
del P. 171.

13. E. 1.

Sta
tha
a.E

Should bee arrested till the morning, and then set at large (if no suspition were found of him) but if any suspicion fell out against him, then hee should be imprisoned, till hee might be lawfully deliuered. And of these watches, the Officers befoze named haue the charge within the limits (or places) of their authorities, as the Constable in his towne, the Borsholder in his Bozow, & the high Constable within al his Hundred: and these officers ought to see these watches duely set and kept, and ought also to cause Hue and Crie to be rayled after such as will not obey the arrest of such watchmen.

Stat. Nor-
hampt. 1.
1.E.3. cap.3

Againe, if any person whatsoeuer (except the Kinges seruants and ministers in his presence, or in executing his precepts, or other offices, or such as shal assist them: and except it be vpon Hue and Cry made to keep the peace, and that in places where acts against the peace doe happen) shall be so bold, as to goe, or ride armed, by night, or by day, in Fairés, Markets, or any other places: then any Constable, or any other of the saide Officers, may take such Armour from him, for the Kinges vse, and may also commit him to the Gaole. And therefore, it shall be good in this behalfe, for these Officers to stay and arrest all

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all such persons, as they shall find to carry
Dags or Pistols, or to be apparelled with
ppluie coates, or dublets: as by the Pro-
clamation (made in the xxi. yeare of the
reigne of Queene Elizabeth) they are ^{21. El. Reg.}
specially commaunded.

Furthermoze, if any great assembly, or ^{27. R. 2. c. 1.}
rumor of people be made in maner of In-
surrection, then the Shirifs, Constables, &
these said other Ministers, hauing know-
ledge therof, ought to goe with strength
of the Countie, and to set themselues a-
gainst it, and ought also to take and impris-
son such offenders.

Lastly, if any man doe threaten to kill ^{Barre 202.}
another, and hee which is so threatned doe ^{en Fitzh.}
pray any of these Officers to arrest the or ^{22. E. 4.}
ther to finde suerties of the Peace: then ^{35. B. 2.}
may such an officer arrest him to find such
suertie before a Justice of the Peace, and
may also carry him to prison, if he refuse
to find it: But if he yeeld to goe, it shalbe
good to take the partie threatned, to the
Justice with him.

To pacifie
and punish
the breach
of the peace

14 Thus much I haue spoken of those
things which do bend towards the breach
of the peace: but now I will come nearer
to the breach it selfe, and withall to the
pacifying and punishing of the same.

If therefore a Constable, or any other
of

of the said Officers, shall see any men going about to breake the peace, as by bling boat words, by which an Affray is like to grow: then ought such Officers to commaund those persons to auoid vpon paines of imprisonment: and if they will not depart, but shall draw weapon, or giue anse blow, then ought hee to doe his best to depart them, and to keepe them a sunder: & he may (for that purpose) both vse his owne weapon, and may also call others to assist him. In which doing, if any such Officer, or other person comming on his part, doe take hurt, hee shall haue good remedy by action against him that did the hurt: but if any of them that made the Affray, bee hurt by such officer, or by any of his company, then such a hurt person hath no remedy at all for the same.

3.H.7.10.
31.H.7.21.

13.E.4.5.

And if he that maketh an Affray, do flie into a house, when such an officer cometh to arrest him: then may that officer breake open the doozes to take him: and if he that made the Affray, do flie from thence also, yet may the Officer follow him, & in fresh suite take him, though it be in another Shire or Countie.

So, if two men be fighting together in a house (the dozes being shut) yet may such an Officer breake open the doozes to cause the

the peace to be kept, though none of the parties haue taken hurt. And in both these cases, such an Officer may carry them before a Iustice of the Peace to find Suertie for the peace, because they haue broken the peace already, and are meet to be bound that they shall not breake it againe.

But if any of the parties to an Affray, ^{Fitz. 71.} haue receiued any dangerous hurt, then ^{38.E.3.6. &} ought such Officer to arrest him that ^{23.} ^{lib. ass. 56} did the hurt, and to carrie him to the Gaole, there to remaine till hee find suertie to appeare at the next Gaole deliuey: otherwise, he may with lesse laboꝝ carry him to a Iustice of the peace, or to a coronor, who ought to take order for such suertie, because the fact may fall out to be Felonie, if so be that he which was hurt do happen to die within one yeere and a day next following such hurt vnto him.

And as these Officers ought to arrest ^{3.H.7.6.} those that doe make assault vpon any private persons, so also may they arrest any such as shall make assault (or Affray) vpon themselves: whilst they bee in doing their offices: & may for that purpose both lawfully defend themselves, & also take the offenders, & commit them to the Gaole, or carry them to a Iustice of the Peace, for the finding of such suertie as is aforesaid.

But

Barr. 107.
in Fitzh.

But if one doe assault a man, in, or nigh the high way, to robbe him, and be taken by the true man, or by any other, and bee brought to the Constable, or such other Officer of the place: then ought such Officer, not onely to take him to his ward, but also to carrie him befoze a Iustice of Peace to cause him to giue suertie for his Good abearing.

5.E.3.cap.
14.
17.E.4.5.

So, if any man doe suspect another of Murder, or Felonie, and doe declare the same to any such Officer of the place, then such Officer may arrest the suspected person, and hee shall doe well to carrie him to a Iustice of the Peace together with him that doth suspect him, to that end y^e they both may bee examined as appertaineth. Yea, any of these said officers may search within the limit of his authoritie, for anie persons suspected of Felonie: for it is a chief part of their office to repressse felons.

2.E.4.9.

5.H.7.4.5.

And therefore any of these Officers may (of his owne authority) arrest one that is endited of Felonie: So, if the common voice and fame be, that A. B. hath done a felonie, that is sufficient cause for anie of these Officers (that shall thereof suspect him) to arrest him for it.

And if any man shall die vpon felonie, it is the office of the constable of the towne,

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or of any of these other officers there, to
seise his goods, and to keepe them safely: ^{3.E. 3.}
for he is to answer for the losse of impai- ^{Itin. Nor-}
ring of them, and therefore it is meete ^{thumb.}
that hee doe it by Inuentorie taken in the
presence and by the testimonie of the ho-
nest neighbours.

And I like well of their opinion, which ^{1.H. 7. 7.}
do hold, that if information be giuen to a-
ny such officer, that a man and a woman
be in adulterie, or fornication together,
then the officer may take companie with
him, and that if he find them so, he may car-
rie them to prison.

But this is to bee marked, that in the
cases before, and such like, where such an
Officer hath arrested, or hath in his ward
anie offendour that ought to be carryed to ^{3.H. 4. 9.}
the Gaole, there such an Officer is not ^{22.E. 3. 39.}
bound forthwith to carrie him, but may
well for a reasonable time keepe him in
the Stockes, untill that conuenient provi- ^{4.E. 3. c. 10.}
sion of strength may bee made to conuey
him safely thither. And when hee shall
bring such offendour to the Gaole, then
ought the gaoler to receiue the same free-
lie, without taking any thing of the Offi-
cer for it.

Seruing 15 Hitherto (as you see) I haue spoken
of precepts of the Constable, and of these other Offi-
cers,

so farre onely as they haue authoritie by their owne Offices, without anye commaundement from others: But for as much as a great part of their duty (concerning the Peace) resteth in the making of due executio of the precepts of higher Officers, and specially of the Iustices of the Peace, who be (as it were) immediate set ouer them, let vs also see after what manner these Constables, and other the saide inferiour ministers of the Peace, ought to behaue themselves in that behalfe.

Albeit then, that their said Officers be **Precepts**, subiect to the commaundements of the Iustices of Gaole deliuerie, and of Oyer and Terminer, and of some Higher Iustices, yea, and to the **Precepts** of Coroners also, and of other Officers, in some certaine cases, yet because most commonly they are called vpon by the Iustices of Peace, they ought specially to shewe themselves obedient to their **Precepts**, who (as it may appeare by some old **Precedents**) haue authoritie to remooue insufficient Constables and Borholders, and to substitute able persons in their place. Neither ought these officers to dispute whether their commaundements be grounded vpon sufficient authority, or no: as

14.H.8.

cap.18.

21.H.7. 22.

Knowing that although a Justice of the Peace (which is a Judge of Recorde) should direct a Warrant beyond his authority to a Constable, or one other of the said officers, yet shall such officers be holden excused for executing the same, howsoever that Justice of Peace himselfe be blamed for it.

If therefore a Warrant for the Peace, or good abearing, happen to bee directed to any of these said Officers, then ought he with all speede and seacrecie to find out the partie: and then also may bee lay his handes upon him, and shew him the matter, and require him in the Kinges name to goe with him, to put in suertie according, to the Warrant. And this if ^{21.H. 7.39.} the partie shall refuse to doe, then ought such Officer forthwith to arrest him, and to conuey him to prison, without carrying him to any Justice: in which doing, if the partie shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or hurting of him.

But if the partie shall peece to goe and ^{21.H. 7.39.} giue Suertie, and yet will not goe to such Justice as made out the Warrant, but to some other Justice, then ought such Officer to giue him that libertie, so that it be
not

not farre out of the Limit, for els so great
travaile might follow vpon the Officer,
as rather bee then the offendour might
seeme to be punished by it.

And here the Officer must take regard,
and consider whether the Warrant doe
come directly from the meere authoritie
of the Iustices of Peace, or els be ground-
ed vpon a *Writ* of *Supplicavit* sent down
from higher authoritie (which difference
ought to appeare plainly in all Warrants
that be well and orderly made.) And if the
Warrant be grounded vpon such a *Writ*,
then may such Officer compell the partie
to goe to the very same Iustice or Iustices
of Peace that made out the Warrant, and
otherwise he may carry him to prison, as
is said before.

Neither is it requisite, that such an
Officer should dounce after the party (as
many vse to doe) vntill hee can finde out
suerties: but he may lawfully keepe him,
vntill that he can get suerties to come vnto
him: the ignorance of which point is
the cause, both that many an euill man
escapeth, and many an honest Officer is
punished for it.

But here it happeneth many times, that
the partie (hearing that such a Warrant
is granted against him) offereth himselfe

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with liberties, for that cause unto some other Justice of Peace, or findeth such liberty in some of the courts at Westminster, and so hath a *Superfideas* returne to the said Officer, as cometh to him with a Warrant as is aforesaid. Now if that bee so, then is the Officer discharged thereby, and ought not any further to molest the party. But yet it shall be good, that such Officer doe keepe the *Superfideas* for his better discharge, and shew it to the Justice from whom hee receiveth the commandement of service, least otherwise hee be called to account for not serving the warrant that was sent unto him.

If a Warrant be directed to a Constable, or such other Officer, to arrest one that is indicted of Felonie, then may such Officer justify the killing of such a party, if it shal be, that he cannot otherwise take him: or if so be, that he resist, or flie, when he is taken.

Finally, the Constable, or such other of the said Officers, having arrested any to be conveyed to the Gaole, must take good heed, that hee doe not willingly, or negligently, suffer such party to escape from him. For, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becometh a Felon also. And of what so.

22. Lib.
Ass. 55.
Coron. 261
288. 328.
in Fitzh.

whatsoever other kinde the offence bee, if the Officer doe, by his will, or negligence, suffer the partie to escape from him, hee shall be fined for it, according to the quantitie of his faule, by the discretion of those that shall be Iudges of it. And least any such Officer should flatter himselfe, in thinking that hee may passe through with some easie Fine: I let him know, that the Iudges of his faule may set his fine, equall with the value of all his goodes, if in their discretions his default doe so require.

11.H. 4. 24.
Stamf. 35.

16 Thus haue I perfourmed the first part of my promise, and haue shewed what is the equall and like ductie of euerie of the saide Officers in matters concerning the Peace, both by their owne authoritie, and also in doing the commaundements of the *Iustices* of Peace: Now therefore I must goe forward to the second part of my purpose, and am to declare their like ducties in other pointes of seruice, that doe not concerne the Peace: For, equall power is indifferently giuen to any of those *Officers* by some *Statutes* of the Realme, whereof those that follow be the chief, and principall.

The equal
ductie of
these Officers,
in
matters
besides the
Peace.

24 The duties of Constables.

Attendant
for the exe-
cution of
Statutes.

17 All Constables, and other the said 33.H.8.
Officers, ought to be attendant, ayding, cap.10.
and assisting to the Iustices of Peace, for & 37. H. 8.
the execution of all and every the Actes, cap.7.
(made in, or befoze the Parliament, holden
in the 33. yere of the raigne of king Hen-
rie the eight) concerning Reteinors, gi-
uing of Liveries, Maintenance, Embrac-
erie, Bowstaues, Archerie, Vnlawfull
games, Forestallers, Regrators, Vittails,
Vittailers, and Inholders, or any of them,
vpon paine that the said Constables, and
other the saide Officers shall make such
Fines, as by two of the said Iustices of
Peace shalbe assessed.

Phisitions

18 All Constables, and other the said 14.H.8.
Officers within London, or within seven cap.4.5.
miles thereof, ought (vpon request made) 32.H.8.c.2.
to aid and assist the President of the Col- 1.Ma.par.
ledge of the Phisitions in London, and 1.cap.9.
other persons authorized for the due exe-
cution of the Statutes made concerning
Phisitions, Apothecaries, & Surgeons.

Purueuers

19 If any person shall (without law, 23.H.8.
full bargaine) puruewe or take anie cap.14.
thing of anie the Kinges liege peo-
ple, to the vse of anie (other then the
Kinge and his house) and thereof no-
tice be giuen to the Constable, or such o-
ther Officer of the place, the such Officer
ought

ought (under the paine of twenty pounds) to arrest such taker, and to carrie him to the next prison.

18.H.6. stat.
1.cap.2.

No Puruepour of the King ought to take any horse, or cart, but by the deliuerie of the Maior, Bailife, Constable, or such other officer of the place whence that taking shall be.

25.E.3. c.1.
36.E.3. stat.
2.cap.3.

Coyne ought to bee taken for the Kinges house, by striked measure of eight bushels to the quarter, according as is vsed throughout the Land: And the Takers of all thinges to bee taken for the Kinges house, shall make their purueyance by the very value thereof, by the view of the Constable, or other such Officers, and by appraisement under oath of foure other good men of the towne, where the taking shall be: and such taking shall bee made without buying the piasours by compulsion, menacing, or other villanie, to set any other price then their oath will, and as commonly runneth in the next Markets.

1.& 3.P.&
Mar.cap.9.

Takers, Undertakers, their Deputies, or seruants, shall not take any Bees, or Meachers, Lambs, Calues, or any kind of Cattel, or any kind of graine, or anie Butter in any vessels, by Cheese, Bacon, Conies, Pigs, Geese, Capons, or Hens, but

26 The duties of Constables.

but by Commission and a Blanke there-
to for that shire annexed: in which Blank,
the said severall things so to be taken, and
the pices of them sh all be written, and to
which Blanke the high Constable, Petie
Constable, or Headborough of the place
where any such taking shall bee, ought to
subscribe his name or signe manuell. And
such taken ought the also to make a brieve
or Doceet in writing subscribed with
his name, containing every of the said
things so taken in every place: and ought
then also (under the paine of an hundred
markes) to deliver the same to the sayde
High Constable, Pettie Constable, or
Headborough, who also ought to deliver
it over to the Justices of Peace at their
next generall Sessions within that coun-
tie.

20 In the takings for the Kinges house, Tails (or Indentures) ought to be
made and sealed; betweene the taker and
the owner in the presence of the Consta-
ble, or such other Officer, and the praisers
of the place by which Tails (or Inden-
tures) satisfaction ought to bee made to
the owner for his things so taken.

21 Any Taker will make purcep-
tance of any thing (not exceeding the va-
lue of forty shillings) and make not rea-
die

18.
cap

21
22
23

10. E. 3. c. 1.

20. H. 6.
cap. 8.

the payment in hand therfore, it is lawfull for the owner to retaine the thing so taken, and to resist such puruevance: and the Constable, Tythingmē, or Chiefpledge of the place (being thereto required by the owner, ought to ayde and assist such owner in making such resistance, vnder paine to yeelde vnto him the value of the thing taken, and his double dammages.

18.H.6.
cap.19.

22 All Constables, and other the Officers aboue said, of y^e parish or place, where anie of the Kinges Souldiers beyond the seas, being mustered of record, shal happen to arrive, may arrest & stay such souldiers, til it be inquired, whether they be lawfully departed from their Captaines, or no.

Souldiers

21.H.8.c.2.
22.H.8.c.14
22.H.8.c.3.

23 All Constables and other the said Officers, must be attendant vpon Coroners, for the abiuring and conueying of such persons, as shall take the Churchyard as a Sanctuarie, for safegard of their liues, by occasion of any Felonie by them done.

Coroners.

All these things heretofore rehearsed, whether they concerne the preservation of the Peace, or any other matter besides the Peace, may and ought to be done &

22.H.8.c.14

executed indifferently (as I thinke) by a-ny of the said officers within the precinct of his authoritie: that is to say, as well by

22.H.8.c.14

28 The duties of Constables:

by the *high Constable* of the whole *Hundred* or *Franchise*, within his *Hundred* or *Franchise*, as by the *Constable*, *Petio Constable*, *Tythingman*, *Borsholder*, *Borow*, *ad Headborow*, *Thirdborow*, or *Chiefe pledge*, within his *Towne*, *Parish*, *Tything*, *Borow*, or *Hamlet*: and that so, as none of them hath more power of office therein then the other, although some of them have larger limit of place then the rest.

High Constable of a hundred.

But now I am come to such things, as do severally belong to some of these officers, so as the other may not meddle therewith, (which is the third part of my promise) and therefore I will take that in hand also: and because the *Constable* of the *Hundred* or *franchise*, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him: who, as he is not by and by set alone, but is for some matters no further authorized then some other of the said Officers, so I will first begin at those, and then come to the rest that belong onely to himselfe.

Prisoners.

The money appointed to be leuied by the Churchwardens of every Parish each Sunday, for the relief of prisoners in the

14. Eliz. c. 5.

Borsholders, Tythingmen, &c. 29

the Gaole, ought (vnder the paine of v. li.) to be paide by them once euery quarter of a yeare, to the high Constables, or head Officers of euery Hundred, Riding, wapentake, Towne, or Parish: and the said high Constables, or head Officers ought (vnder the paine of v. li.) to pay ouer the same money so to them paide, at the next quarter Sessions of the peace, to the person appointed by the Iustices of Peace to receiue the same.

It seemeth to me, that in this case next aboue, the wordes high Constables, high Tythingmen, and head Officers, doe exclude Petie Constables, Borsholders, and such like to meddle therein: because none are called High or Head, but in cōparison of Low and Base. Now therefore I will speake of matters concerning the High Constable of the Hundred alone.

High Constable alone.

5. Eliz. ca. 4. 25 High Constable of Hundreds in all such Shires, where petie Sessions for seruants and laborers (otherwise called statute Sessions) were vsed to bee kept, before the first day of the Parliament holden in the first yeare of the raigne of Q. Elizabeth, may yet still holde their said Sessions, so that nothing bee done in them, repugnant to the Statute of labourers and

Petie Sessions.

30 The dueties of Constables.

**Watches
and high-
waies.**

and seruants made in the same Parlia-
ment.

26 The Constables of hundreds, and of franchises, ought to make presentment to the Iustices of Peace, and to al other Iustices there to assigned, of the defaults of Watches, & of the defaults of the Ringes high-waies, not enlarged so, as no ditch, vnderwood, or bushes bee within two hundred foote on euery side of the same: and also of such as lodge straungers in vplandish townes, for whome they will not answere.

13. E. 1. A.
Winton.

Clothiers.

27 Clothmakers ought to pay the wages of their Carders, and other workefolkes, in lawfull mony, and not in pins, girdles, or such other things: and to deliuer their wools by faithfull deliuary, and due weight, vnto them to bee wrought: vpon pain of forfeiting the treble of their wages not so paid, and six pence for euery deliuary of such excessive weight. And the said Workfolkes ought to do their occupations duely, vpon paine of double damages to the partie griued. And euerie Constable of the Hundred may heare and termine the complaines aforesaid, by examination of the parties, and may commit to the gaole such as refuse to pay the said Workfolkes.

4. E. 4. ca. 1.

38 Estrats

2. & 3.
Mar. 6.
5 Eliz.

2. & 3. P. &
Mar. c. 8. &
5. Eliz. c. 13.

28 Estreats indented ought to be made by the Clarke of the Peace, and by Stewards of Leetes, of all forfeitures rising in the Sessions of the peace, or in Leets, upon the Statutes of highwaies: of which Estreats, one part ought to be deliuered verely within six weekes after Michaelmas, to the bailif or high Constable of the Hundred, Lath, orwapentake, wherein the default was committed, and the other part to the Constable & Churchwardens of the parish in which the default was made, to the intent, that such Bailife or chiefe Constable, may thereby leuie by distresse the same forfeitures, or the double thereof (if no distresse can be found, or if such forfeitures be not paid within xx. daies after a lawfull demand of the same by the said officer) and to the intent also that the said Constable & Churchwardens of the parish may thereby cal the said Bailife, or High Constable to account befoze two Iustices of the Peace (the one being of the Quorum) between the first day of March and the last of Aprill verely for the said forfeitures, which ought by the said Churchwardens to bee bestowed on the Highwaies in their parish. And vpon such account, euery such Bailife, or high Constable shall haue for his paines viii. d. of euery pound leuied

High
waies.

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2.1.

32 The duties of Constables.

levied and payed by him, and may also receive xii. d. for the fee of the Clarke of the Peace or Steward of the Leete, for every such Estreate by any of them deliuered, as is aforesaid.

Marshall 29 The high Constable (in whose limit the Parish is situate) must pay at every Quarter Session to one of the Treasurers of the Shire, such money as the Churchwardens there haue payed to him, for the prisoners in the Marshalsey and Kinges Bench, vpon paine of x. s. to be lost for every default, 43. Eliz. cap. 3.

Souldiers 30 And the like must be done (vnder the paine of forty shillings) with that money, which the Churchwardens bring to him for disabled Souldiers.

Popish recusant. 31 The Minister (or Curate) of the Parish, & the Constable, Headborow, or Tythingman of the towne, to which any Popish Recusant shall be sent by order of this Statute, shall take notice thereof by him, and shall enter the same into a Booke to be kept in every Parish for that purpose: and shall certifie the same to the next Quarter Sessions of the Peace in that Countie.

Constable of a towne. Next after the Constable of the hundred, Wapentake, or franchise, foloweth the Constable of a towne, who is somewhere

where called a *High Constable*, for that he hath there a *Petie Constable* vnder him, and is sometimes also termed a *Heade officer*, because in some corporate townes *Constables* is part of the name of their *Incorporation*. And now also because there be sundry thinges that are by the Lawes indifferently referred to him, or to the *Tythingman*, *Borsholder*, or such other inferior Officer of the place: therefore I will first set downe those, and then afterward speake of the rest that are committed to him onely, and to none of them.

5 Ed. 4. 3. 31 If a common Inholder, or Ale-
Acc. sur. house-keeper, will not lodge such as tra-
cale B. 76. uailer, the Ruler, Constable, or other Offi-
cer of the towne may compel him thereto.

33. Eliz. c. 4. 33 No person retained in husbandrie, *Servants*.
or in any the Artes appointed by the Sta-
tute of Labourers (made in the fift yeare
of Queene Elizabeth) may depart, af-
ter the time of such retainour expired,
out of the Towne or Parish, where he
last serued, to serue in an other, vnlesse he
haue a Testimoniall vnder the Seale of
the Constable or other such Officer, and
of two other honest Housholders of the
Towne or Parish where hee last serued,
according to this foyme: *Memorandum*,

C

that

that A. B. late servant of C. D. of E. in the Countie of K. husbandman, or taylor, &c. is licenced to depart from his said Master, and is at his libertie to serue else where, according to the Statute in that case made and provided. In witnesse whereof, &c. dated the day, moneth, yeare, and place, of the making thereof. Which Testimoniall, the Parson, Vicar, or Curate of the Parish where such Master, Mistresse, or Dame doth dwell, ought to register, taking onely ii. s. therefore. And if such person bee accepted into anie other seruice, without shewing such Testimoniall, to the Constable, or such other Officer, Curate, or Churchwarden of the place where hee shall bee accepted, he shall be imprisoned till hee procure such a Testimoniall, which if hee doe not within twelue dayes next after the first day of his imprisonment, hee shall be whipped as a Vagabond.

Labourers 34 In the time of Hay, or Cornehar. 5. Eliz. c. 4.
 nest, the Constable, or such other Officer, of any towne ship, vpon request made, and for auoiding the losse of any corne, graine or hay, may cause all such Artificers, and persons (as be meete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or inning of

Borsholders, Tythingmen, &c. 35
of coyne, graine, or hay, according to the
skill and qualitie of the person: and if anie
such person shall refuse so to doe, they
ought such Officer (under the paine of
fortie shillinges) to imprison such refuser
in the Stockes, by the space of two dayes
and one night.

35. The Costable, Borsholder, or other ^{high-}
such Officer, and the Churchwardens of ^{waters.}
euerie Parish, ought yearely hypon the
Tuesdai or Wednesdai in Easter weeke,
to call together a number of the Parishio-
ners, and to choose two honest men of
their parish, to be Suruiors of the works
for amendment of the highwaies within
their parish leading to any market towne:
and ought then also to appoint sixe dayes
for the amendment of those highwapes
befoze Midsummer then next following:
and ought openly in the Church, the next
Sunday after Easter, to giue knowledge
of the same sixe daies.

2. & 3. Phil.
and Mar.
cap. 8. and
5. Eliz. c. 13.

They also ought to haue one parte of
the Estreates indented, and may call the
Bailife or high Constable to account, co-
cerning the forfeitures, for default of a-
mending Highwaies, as hath already ap-
peared befoze. And they also, or anie of
them may leuie by Distresse, and by sale
of such Distresse, all summes of money

36 The dueties of Constables.

forfaited for any cause within the statute of Highwaies made in the eightene yere of Queene Elizabeth, (if so bee that the Surueiours of Highwaies, shal not before
 18.Eli.c.10.
 hve leuyed and imployed the same, within one yere next after the offence committed) and shall yeeld account thereof before two Iustices of the Peace, as is aforesaid.

High-
 wu.es.

36 The forsaikes against the Statute for amendmēt of the annoyed Highwaies
 35.Eli.c.19.
 in the wealdes of Kent, Surrey, & Sussex, ought after conuictiō thereof to be leuyed by distresse; by the Constables, Headborowes, Tythingmen, or other such Officers there, vpon warranē frō the Clarke of the Peace in open Sessions, or from two of the Iustices that were at such Sessions, the one of thē being of the *Quorum*.

Hue and
 Crie.

37 After such time as the two Iustices of Peace, haue ratably assessed euerie towne, & parish towardes the paiment of the damages that any person hath recovered against them of the hundred wherin he was robbed, vpon the statute of Hue and Crie: then may the Constable or Headborough, of euery such towne & parish, ratably within his limit, take (according to their abilities) euerie dweller in euerie such towne or parish, toward the payment
 27.Eli.c.13.
 of

Borholders, Tythingmen, &c. 37

of such assessment made by the Justices; and may also distraine euery person by his goods and cattels that shall refuse to pay the same, and may sell the distresse, and re-
taine so much therof as the Taxation shall be, & deliuer the ouerplus to the person so distrained. And shall (within x. daies next after he hath leuied the said rates) deliuer the same to y^e said Justices, or one of them to the vse of the partie robbed.

43. Eli. c. 2.

38 In default of agreement of the Par- Stocke of
rishioners between themselves, the Con- the Shire.
stables and Churchwardens of each Pa-
rish (or the moze part of them) may rate
and allot within their Parish their assesse
for the Stocke of the Shire wherewith
that Parish was charged at the Quarter
Sessions: and they also may leuy the same
vpon any Parishioner, by Distresse, and
Sale of his goods, tending the ouerplus
vnto him, 43. Eliz. cap. 2. & 3.

27. Eli. c. 14.

39 The Constable of euery Borough Making
or Market, or other Towne, may view, of Malt.
search and suruey all such Malt as shall be
made or put to sale there: And if hee shall
find any Barlie Malt, made at any time
(the Monethes of Iune, Iuly, and Au-
gust, onely except) but that the same shall
haue the space of three weekes (at the
least) in the fatte, floure, steeping, and such

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Sufficient drying thereof, and in these three Monethes, the space of xlii. dayes at the least: and if hee find any person to put to sale, anie good Malt, mingled with Malt not sufficientlie made, or with malt made of Bowburned or Spired barley, or to put to sale any malt, not sufficiently wel trodden, rubbed, and fanned, whereby halfe a pecke of dust or moze may be fanned out of one Quarter thereof: then may such Constable (with the aduise of one Iustice of the Peace in that shire) cause the same Malt to be sold, to such persons, & at such reasonable prices (vnder the common price of the Market) as to his discretion shall seeme expedient.

Who be Rogues.

40 Every of these persons following, and being aboue the age of seauen yeares, is by the law declared to be a Rogue, Vagabond, or sturdy Begger, that is to say: 39. Eliz. c. 4

Every person that calleth himselfe a Schollar, and goeth about begging: euerie Seafairing-man (not hauing suffered Shipwrake, nor hauing lawful Testimoniall from a Iustice of Peace, of, or neare the place where hee landed) that goeth about begging, or exceedeth the limits of such Testimoniall: euerie idle person that goeth about begging, or that vseth anie Subtile-craft or vnlawfull game, or play,

or

Borholders, Tythingmen, &c. 39

or that saigneth knowledge in Physiog-
nomie, Palmistrie, or other like craftie
Science, or pretendeth to tell Destinies.
Fortunes, or such like Phantasticall ima-
ginations. Euery wandring person that
uttereth himselfe to be a Proctour, Pro-
curer, Patent gatherer, or Collector for
Gaole, Prison or Hospitall. Euery Fen-
sor, Bearward, Minstrel, or cunning play-
er of Enterlude (other then such player of
Enterlude as belongeth to a Baron or o-
ther Honorable person of greater degree,
and bee authorized vnder his hand & seale
of Armes) See 1. Iacob. cap. 7. that from
thencefoorth no authoritie to bee giuen
or made by any Baron of this Realme, or
any other honorable personage of greater
degree vnto any other person or persons,
shall be available to free and discharge the
said persons or any of the from the paines
and punishments in the said statute men-
tioned, but that they shall be taken within
the offence & punishment of y^e said statute.
Euery Iuglar, Tinker, Pedler, or Peti-
chapman, other then glassemen of good
behaviour, and licensed vnder the handes
and Seales of three Iustices of the Peace
of that Shire (whereof one to bee of the
Quorum) that wandreth abroad. Euerie
Wandering person, or common Labourer

1. Ia. cap. 7.

not hauing otherwise then by labour to maintaine himselfe, and being able of bodie, that refuleth to worke for lawful wages: Euery person, deliuered out of gaole that beggeth for fees, or trauaileth begging. Euery one that pretending losse by Fier, or otherwise, wandzeth begging. Euery one (not being a Felon) that pretendeth to be an Egiptian, or wandzeth in the forme (or habite) of counterfait Egiptians. Euerie impotent, and diseased person (being lawfully licenced by two Iustices of the Peace to goe to Bath, or Buxton) that forbeareth not to begge, or returneith not according to such Licence: and euerie poore person (appointed to aske reliefe in his Parish by the Quersseers) that beggeth in any other sort then is appointed.

The Constable, Headborow, and Ty- 39. Eliz. c. 4.
thingman of the Hundred, Parish or Tything, shall vpon the taking of euerie such Rogue (the Tythingman or Headborow being assisted with the aduise of the Minister, and one other of the Parish appoint the same Rogue to bee stripped naked from the middle upward, & be openly whipped vntill his or her body be bloody, and shall forthwith send such Rogue from parish to parish (by the Officers of the

the same) the next straight way to the parish where such Rogue was borne, if that may be knowne by his or her confession or otherwise: and if that cannot be knowne, then to the Parish where hee or shee last dwelt befoze that punishment by the space of one whole yeare: and neyther of them being known, then to the Parish through which hee or shee last passed without punishment.

After which whipping, such Rogue shall haue a Testimoniall, subscribed and sealed with the handes and Seales of the said Constable, Headborow, Tythingman, and Minister or so any two of them, the substance of which shall be Registred by that Minister in a booke to bee provided for that Parish, vnder the paine of five shillings for euery default thereof.

And the forme of that Testimoniall may be thus.

A.B. a sturdie *Rogue*, of tall stature, red *Kent*, haired and bearded, about the age of 30. yeres, and hauing a wart neare vnder his right eye, borne (as he confesseth) at *East Tilberie* in *Essex* was taken begging at *Shorne* in this county of *Kent* the 10. of *March*, 1598. and was then there lawfully

42 The duties of Constables.

fully whipped therefore, and hee is appointed to goe to *East Tilberie* afore said the direct way by *Gravesend*, ouer the riuer of *Thames*: for which hee is allowed one whole day, and no more, at his peril. *Subscribed and sealed* the day and yeare afore said.

By vs { *C.D. Minister.*
E.F. Borsholder. } of *Shorne* a-
G.H. Parishioner. } fore said.

And if such Rogue doe not accomplish the order of such Testimoniall, then is he or she to be Whipped at euery place for euery such default, till he or she repaire to the place so limited for him: And this Testimoniall must be carried with him from Officer to Officer as is aforesaid: wherein it is needfull to set downe some speciall marke of the body of the Rogue, to the end that neither one Officer deceiue another, nor the Rogue deceiue them all.

Buc if such Rogue so taken appeare to be dangerous to the inferiour sort of people there, or will not be reformed from Roguish life, by the means aforesaid, the any two Iustices of peace of that limic (the one being of the Quorum) may commit such Rogue to the house of correction or gaole.
I. Iacob.

1. Iacob cap. 7. euery person shall apprehend, or cause to be apprehended, such Rogues, Vagabonds, & Surdie beggers, as hee shall see or know to resort to his house to begge, gather, or receiue almes, and the same carrie or cause to be carried to the next Constable or Tythingman, vpon paine to lose ten shillings for euerie default.

Euery Constable, Headborow, & Tythingman, that shall be negligent, or shall not doe his best indeuour, to take, punish, & conuey ouer the Rogues aforesaid, shall lose x. s. for euery default, anno 1. Iacob. 1. I. cap. 7. cap. 7. the Constable is to forfeit 20. s. And euery other person that distributeth or letteth the execution of this act of Rogues, shall lose v. li. for euery default, and be bound to the good behauiour.

And euery such Constable, Headborow & Tythingman, is in like sort to take and punish, and to conuey from one to another, euery Rogue & begger that shall be brought & set on land here, from Ireland, Scotland, or the Ile of Man, till hee come to the next Port or Parish in or neare where hee was first landed, vpon the like forfeiture of x. s. for euery default.

Now, forasmuch as the execution of this law as also of that for the *poore*, is, vpon

on

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on good reason required at the hands of these *Constables, Borsholders*, and such like inferiour Officers, because as they of the common sort be most annoyed thereby, so are they in euery corner to haue a ready hand & whip to remedie the euill: I thinke good for their better direction herein, to set downe those resolutions & aduices, which as it is comonly said) were giuen by the Queenes Iustices at *Westminster*, sone after the making of the said Statutes, and thus they follow.

A Rogue affirmeth, that he was bozne in such a towne, in such a countie: then ought he to be sent thither, if it may not otherwise appeare that hee was bozne elsewhere: and if hee were not bozne there in truth, then he is to be said an incorrigible Rogue, & is to be sent thence to the house of correction in the countie to which he is sent: and if there be none there, thē to the gaole vntill the next Sessions, there to be dealt with according to the statute.

2 The same course is to bee obserued, if it appeare not where he was bozne, and so if he vntruely affirme that hee was last dwelling in such a towne, in such a countie, by the space of a yere, and was not in truth.

3 If the husband, or wife haue a house
and

and the husband or wife rogue about, they ought to bee sent to the towne where that house is, and so of an Inmate.

4 The wife and childzen vnder seauen yeares of age; being vagrant, must goe and bee placed with the husband: if the husband be dead, the with the wife where she was boine, or dwelt, and the vagrant childzen (aboue seuen yeares of age) must be sent to the place of their birth. And if the vagrant Parents with their childzen (vnder seauen yeares) bee placed at the place of birth of the Parents, or at the place of last dwelling (as the case shall fall out) if afterward the Parents, or eyther of them die, or runne away, yet the childzen (once settled) must remaine there still, and may not be sent to their place of birth, though after they grow aboue the age of seauen yeares.

5 The wife being a vagrant Rogue, ought to be sent to the husband, though he be but a seruant in another Towne.

6 The Rogue whose place of birth (or dwelling) cannot be knowen, hath wife and childzen, vnder seauen yeares of age, they must go with the husband to h place where they were last wilfully suffered to passe without punishment: where the childzen must be relieved by the work of their Parents,

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Parents, though the Parents be committed to the house of correction.

7 If any (not being Rogues) shall tra-
uaile with their children through a town,
and the Father or Mother die, or runne a-
way, the towne is not bound to keep them
where they lie, nor to send them away,
but onely in charitie, except they become
wandering beggers.

8 If the Parents be able to worke, and
may haue worke, they are to finde their
children, by their labour, and not the Pa-
rish: But if they be ouerburthened with
children, it shalbe a very good way, to pro-
cure some of them to be placed apprentices
according to the Statute.

9 No man is to be put out of y^e Towne
where hee dwelleth, nor to be sent to their
place of birth (or last habitation) but a va-
grant Rogue, nor to be found by y^e towne,
except the partie be impotent, but ought
to set themselves to labour, if they be able,
and can get worke, if they cannot, the ouer-
seers must set them to labour: And so of
them that haue or shall haue houses, when
their estates bee expired: And seruants
whose times of seruice are ended, though
they cannot get houses, for they must pro-
uide themselves houses a new, if they bee
not impotent.

10 Such

10 Such persons as be of any Parish, and haue able bodies to worke, and be no wanderers abroade out of the Parish, though they refuse to worke at such wages as is tared (or commonly giuen) in those partes, are notwithstanding not to be sent to their place of birth (or last dwelling) by the space of a yeare, but to the house of correction: vpon consideration had of both the statutes of the poore and Rogues. But if they haue any lawfull meanes to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as wil remoue or put any out of their Parish; that be not to be put out, this is against the statute, concerning the reliefe of the poore, and fineable: and if any haue beene so sent, they may bee sent backe againe.

12 If any bee sent to a towne whereto he ought to be sent, and is refused (being a sturdy, or an impotent Rogue) the persons refusing shall forfeit v. li. and hee that is so to be sent, is to be offered to the Churchwardens and ouerseers.

13 To send the Rogues by a generall Passport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the statute, & so
forfeits

48 The dueties of Constables.

forfeit of v.li. vpon them. And to goe with
such a Pasport, is but still to continue a
Rogue, to be punished by whipping.

14 If the Officer will not receiue a
Rogue to conuey him to the place where
he was bozne (or dwelt) this is a forfeiture
of v.li. in the officer, that shall not receiue
the partie to conuey him or her ouer.

15 None may be suffered to take releife
at any mans doze, though within the same
parish, bulesse it be by the order of þ ouer-
seers, according to the statute, neither may
any bee suffered to begge by the High-
waies, though in their owne parish.

16 By this word Parents: is vnder-
stood a father, or a grandfather, mother or
grandmother, being persons able.

17 Within the word children, is inclu-
ded any child, or grandchild, being able.

18 Parsons, or Vicars, &c. be bound (as
inhabitant) to the reliefe of þ poore, as well
as others that inhabite within the Parish.

19 Every one that hath tythes improp-
riate, Coalemynes, or lands in manuell
occupation, &c. is chargeable: And so for
such as haue saleable woodes, propor-
tioning the same to an Annuell benefite.

20 If there bee but one Churchwar-
den in the Parish, hee sufficeth, with the
other foure Querseers.

ALL

All these things last aforesaid, do pertain as well to the charge of a *Tythingman*, *Borsholder*, *Headborow*, *chiefepledge*, or such other inferior Officer, as they do to the *Constable* of such a Towne, or Parish that hath any of those other officers vnderneath him. But some other points of charge there be, that belong to such a *Constable* onely, and not to any of them: as for example.

8.H.6.ca.5. 21 Every Citie, Borough, & Market *Weightes and Measures.*
 11.H.7.c.4. towne, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh.

14.H.6.c.5. 22 If any Woolles, or other marchandise, bee shipped in the Staple, in any suspected place adioyning to the coast of the water, then Indentures ought thereof to be made between the owner, and the Maior or Constable of that place: or otherwise, such marchandise shall be forfeited.

38.H.8.c.9. 43 The Maior, Shirifes, Bailifes, Unlawfull Constables, and other head officers with games, in every City, Borough, and towne within this Realme, where any such Officers be, ought vnder the paine of x l.s. for every default, once every moneth at the least, to make search (as well within Liberties, as without) in all places where any vn-

D

lawfull

lawful games shalbe suspected to be kept, and may arrest and imprison as well the keepers of such places, as the haunters to the same, till they bee found no moze to keepe and haunt such places. And if anie such head Officers, shall finde or know, that any Artificer, craftelman, husbandman, apprentice, labourer, seruant at husbandrie, iourneyman, or seruant of artificer, or that any mariner, fisherman, waterman, or serutingman, doth play at the tables, dice, cards, tennis, bowles, clash, coiting, logating, or any other vnlawfull game, out of Christmasse time, or out of their Maisters house or ptesence in the Christmas time, vnles it be by the licence of such Master as hath C. li. by the yeare, or aboue, and then also, that playing bee within the ptecinct of such masters house, gardeine, or orchard: then such head Officer may commit such offendour to warde, till he wil be bound by Obligation to the Kinges vse (in such summe as to the discretion of such Officer shall bee thought reasonable) that hee shall not from henceforth vse such vnlawfull games.

Byldges.

44 Those foure Iustices of peace, that 22. H. 8. c. 9.
be authorisled by the statute to make taxation of money for the amendment of anie decayed Byldge in the Hightway, ought
to

Borsholders, Tythingmen, &c. 51

to make that Taration, by the assent of the Constables, or two of the most honest Inhabitants, of euerie Towne or Parish.

Vessels.

45 In all Cities, Bozoughes, and Townes, wherein no Wardens of Cowpers be, the Pastors, Shirifes, Baylifes, Constables, or other head Officers there, haue power to search, view, and gawge, barrells, kilderkins, firkins, and other vessels, to be made there, and to take such aduantage thereby, and in such manner, as by the Wardens of Cowpers within the Citie of London may be taken on e- uery behalfe. ^{23.H.8.c.4.}

46 In all these cases also, lastt befoze rehearsed, it seemeth that Borsholders, Tythingmen, Headborowes, and other such (being in townes, or parishes, vnderneath Constables that bee there) cannot meddle because such Constables be (in cō- parison of them called head Officers,

47 The Constable or other inferioz officer, must whip such hedgebreakers, robbers of orchardes and gardens, cutters of cozne and wood &c. as be for that purpose committed vnto them by the Iustice of Peace vpon paine to be committed to the common Gaole, without bayle or mainprise till it be done, ^{43.Eliz.cap.7.}

D 2

48 Now

52 The duties of Constables.

The con-
clusion.

48 Now therefore upon all the whole discourse before written, it may well appeare, that Borsholders, Tythingmen, Headborows, Borowheades, Thirdborowes, & chiefe pledges, whether they bee there the onely Officers for the Peace, or be vnderneath Constables, may within their Borowes, Tythings, or Hamlets, doe many things that the others may doe: & that there are many other points which those other officers may doe, and where with these Borsholders, and the rest cannot meddle at all. And therefore, to auoid tole repetition of matters already spoken, I say shortly, that if an vnder Borsholder, Tythingman, Headborow, Borowhead, Thirdborow, or chiefe pledge, will see what belongeth to him to doe, hee must looke before upon al such cases, where his power is declared to bee equall (for those points) with the power, eyther of a High Constable of the Hundred, or a Constable of a Towne or Parish: for in all such thinges hee hath to deale as well as they. But where any thing before is shewed to pertaine only to the high Constable of a Hundred, or onely to the Constable, or chiefe or head officer of a town, or parish, there such a Borsholder, Tythingman, or any of y^e rest, hath nothing to doe with it.

49 Bp

i. l.

1. I. cap. 31.

49 By the statute 1. Iacob. cap. 31. for ordering of persons infected with the plague. Every Constable, Headborow, or other chiefe Officer, of the county of, or in any Towne, Village, or Hamlet, out of any Citie, Borough, Towne corporate, Priuiledged place, or Market town, may commaund or appoint any person Infected, or being, or dwelling in any house infected in any such towne, village, or hamlet to keepe his or their house, for auoyding of further infection: And may appoint searchers, watchmen, examiners, keepers and buriers for the persons and places respectiuelly infected, and may minister to them oaches for the performance of their offices of searchers, examiners, watchmen, keepers and buriers, and may giue them other directions, as vnto them the said Constables & Headboroughs, & other chiefe Officers for the present necessities shall seeme good in their discretions.

The potter of heads officers in bylandish Townes.

And if any person or persons infected, or being or dwelling in any house infected so commaunded or appointed, as is aforesaid, shall notwithstanding wilfully, and contemptuously disobey such directions and appointment, offering & attempting to breake and goe abroade, and to resist, or

The punishments of the disobedient persons,

54 The duties of Constables.

going abroade and resisting such keepers
oꝝ watchmen, as shall be appointed as is
aforesaid, to see them kept in, it shall bee
lawfull foꝝ such watchmen, with violence
to enforçe them to keep their houses: And
if any hurt come by such enforcements to
such disobedient persons. That then the
said keepers, watchmen, & any other their
assistants shall not bee impeached there-
foze. And if any infected persons as is a-
foresaid, so commaunded to keepe house,
shall contrarie to such commaundement
wisfully and contemptuously goe abroad,
hauing any infectious soze vpon him vncu-
red, & shall conuerse in company. That
then such person & persons shall be taken,
deemed, & adiudged as a felon, and to suf-
fer paines of death as in case of felony: but
if such person shall not haue any such soze
found about him. Then foꝝ his said offence
to bee punished as a vagabond in all re-
spects, should oꝝ ought to be by the statute
made 39. Eliz. cap. 4. foꝝ the punishment
of Rogues & Vagabonds.

And further, to bee bound to his oꝝ her
good behauiour foꝝ one whole yeare. The
punishment of Rogues & Vagabonds by
39. Eli. c. 4. Vagabonds 13. is, that by the
apointment of the constable, headborough
oꝝ tythingman, the tythingman oꝝ head-
borough,

bozough, being assisted therein with the
advice of the Minister & one other of that
parish, should be stripped naked from the
middle upward, and shall be openly whip-
ped untill his or her body bee bloody. If
any will refuse to be keepers, watchmen,
serchers, examiners, assistants, or buriers,
or to obey the said directions made, as is
aforesaid by discretion, they are to be pu-
nished as other disobediers of commaun-
dements by statute, where no other penal-
tie is set downe: that is to say, by an in-
dictment or presentment at the Sessions,
& being convicted to be imprisoned, & to
pay a fine to the king.

And thus having opened so shortly and
plainely, as I could the duties of all these
said ministers of the peace, I doe shut up
this worke: desiring those that shall
take any profit of this labour, to
yeeld thanks to God the
most liberall giuer.

56 The dueties of Constables.

For the more ease of every of these Officers in finding out that which particularly belongeth vnto each of the, I haue diuided the former Treatise into fortie & eight seuerall Articles (or parts) as it may appeare at the beginning of each Article by the seuerall figure thereof, by which every Officer may be directed seuerally to so much as appertaineth to himselfe, if hee will marke this short Table following. For,

The high Constable of the hundred, rape, Franchise or Wapentake, hath the execution of all those matters that doe lie within these Articles, that is to say.

Articles concerning.

- | | |
|-------------------------|-----------------------|
| 3 } His name and be- | 22 Souldiers. |
| 4 } ginning. | 23 Coroners. |
| 11 } | 24 Prisoners. |
| 12 } | 25 Petite Sessions. |
| 13 } The peace and ser- | 26 Watches & high- |
| 14 } uing of warrants. | waies. |
| 15 } | 27 Clothiers. |
| 16 } | 28 Highwaies. |
| 17 Executio of statutes | 29 Mony for prisoners |
| 18 Physitions. | 30 Mony for Souldi- |
| 19 } Purueiours. | ours. |
| 20 } | |
| 21 } | |

And the Constable of a Towne & Pa-
rish,

Borsholders, Tythingmen, &c. 57
 rish, hath his part in all thinges contained
 within any of these Articles following,
 that is to say,

Articles concerning.

- | | | | |
|----|---------------------|----|---------------------|
| 4 | His name and begin- | 32 | Alehouse. |
| | ning. | 33 | Servants and La- |
| 11 | The peace & ser- | 34 | bourers. |
| 12 | | 35 | Highwaies. |
| 13 | | 36 | Highwaies in the |
| 14 | | 37 | wealde. |
| 15 | uing of precepts. | 38 | Hue and Crie. |
| 16 | Execution of Sta- | 39 | Stocke of the shire |
| 17 | | 40 | Making of Malt. |
| 18 | | 41 | Rogues & begers. |
| 19 | tures. | 42 | Weights & mea- |
| 20 | Physitions. | 43 | sures. |
| 21 | Purueyours. | 44 | Marchandize. |
| 22 | | 45 | Unlawfull games. |
| 23 | Souldiers. | 46 | Bridges. |
| 24 | Coroners. | 47 | Vessels. |
| 25 | Prisoners in the | 48 | Hedgebreakers. |
| 26 | | 49 | Persons infected. |
| 27 | Bench, &c. | | |
| 31 | Popish Recufants. | | |

And euery Borsholder, Tythingman,
 Borohead, Headborow, Thirdborow,
 and chiefe pledge, may for his Borough or
 Tything learne his Office by these Arti-
 cles, that is to say,

Articles concerning.

- | | | | |
|---|-----------|----|--------------------|
| 5 | His name. | 8 | His latter Office. |
| 6 | His first | 9 | |
| 7 | Office. | 10 | |
| | | | 11 Keeping |

58 The dutie of Churchministers.

- | | |
|----------------------|------------------------|
| 11 } Keeping of the | 28 } High- |
| 12 } Peace. | 29 } waies. |
| 13 } | 31 Alehouse. |
| 14 } Precepts to be | 32 } Seruantes and La- |
| 15 } obserued. | 33 } bourers. |
| 16 } | 34 |
| 17 Execution of Sta- | 35 Highwaies. |
| tutes. | 36 Highwaies in the |
| 18 Physitions. | wealde. |
| 19 } Purveyours. | 37 Hue and Crie. |
| 20 } | 38 Stocke of the shire |
| 21 } | 39 Making of Malt. |
| 22 Souldiers. | 40 Rogues & begers. |
| 23 Coroners. | 41 Hedgebreakers. |
| 24 Prisoners. | |

The dutie of Church- Ministers.

The latter Lawes hauing im-
ployment of many to make,
hath borrowed some vse in a
few easie matters of spiritu-
all Ministers, chiefly for the helpe & rea-
dinesse of their penne, which in many Pa-
rishes few, or none (besides they) can serue
withall.

1 The Minister (or Curate) of the pa-
rish ought to Register the Testimoniall
that is made to a seruant to appeare at the
end of his Terme, and hee is to take two
pence therefore, and not above.

2 He also is to assist the Borsholder or
Tythingman in appointing a Rogue to
be

The dutie of Churchministers. 39

be whipped, and must Register (in a booke for that purpose) the Testimoniall & such Rogue ought to haue after whipping vpon paine to loose vs. for euery default.

35. Eliz. c. 5. 3 Hee may giue Licence to a sicke person (during the sicknesse onely,) to ^{Licence to} ^{eat} eat flesh. flesh vpon dayes prohibited, and must (for iiii. d.) Register the same in the Church booke, if the sicknesse continue aboue viii. dayes after the Licence.

35. Eliz. c. 1. 4 The Minister or Curate of the parish ^{Come to} may require any person within 3. months ^{Church.} after his Conuiction vpon the statute 35. Eliz. cap. 1. to make publike confession & submission in the seruice time of a Sunday or festiual day. And he that shal (after notice to him giuen by the Minister or Curate or Churchwardens) maintaine, or retain, in his house, or otherwise, any person obstinately refusing to come to Church, shall lose x. li. for euery such person, for euery moneth so maintained, or retained.

35. Eliz. c. 5. 5 The Minister or Curate of the parish, & the Costable, Hedborow, or Tything-man, of the towne, to which any Popish recusant is sent, shall (vpon notice thereof by him) enter the same into a booke to be kept in euery parish for that purpose: and shall certifie the same to the next Quarter Session of the Peace in that County. ^{Popish re-} ^{cusant,}
The

60 The dutie of Churchwardens.

Whilest I passed thorow some of the statutes before, concerning the offices of Constable & Borlholder, I found them mingled with diuers duties pertaining to the Churchwardens of Parishes: the Surueiours of the highwaies: the Distributors of the prouision for the destruction of vermine, and Quersseers of the pooze: whereby I was also moued to adde somewhat of these Offices, the rather because I was perswaded, that with that little more of labour, I might doe a great deale more of good, seeing that therby the plain countryman should (after a sort) be furnished with all manner of vnderstanding (in the temporall Law) needfull for the exercise of any of those offices that may lightly fall vpon him.

First therefore, I will speake of the Churchwardens office, but that so farre forth onely, as the common Lawes, and statute lawes of the Realme doe lead me, knowing that such other parts of that office as doe rest vpon the lawes Ecclesiasticall, be from time to time sufficientlie both taught and called vpon, by those that haue the execution of the same.

The Churchwardens of Parishes be taken

Office
Chur
ward
by the
mon

61 The duties of Churchwardens.

Office of
Church-
wardens,
by the com-
mon law.

taken (in fauour of the Church) to be for
some purposes a manner of Coporization
at the common Law: that is to say, Per-
sons inabled by that name, to take moue 12.H.7.vi.
able goods, or cattels, and to sue, and be mo.
sued at the Law, conc-rning such goods,
for the vse & profit of their Parish. And
therefoze, a man may well in his life time
giue, or by his last will bequeath, money,
or other moueable things, to the Church-
wardens, or to the Parishioners of a Pa-
rish, eyther for the reparation of the
Church, or towards the buying of books,
Communion Cuppes, linnen cloathes, or
other decent ornaments or furniture for
the Church. Which manner of gift is so Lib. Intrae.
much fauoured in the Law, that it is not fol. 576.
altogether needefull in such a gift, for a
man to vse expresse wordes, or wryting.
For if a man doe buy a Bell, and doe hang
it by in the steeple, or do make a Pew, and
doe set it by in the Church, and do neyther
make any word or wryting thereof, yet is
this Bell or Pew, by this dedicated or gi- 11.H.4.12.
uen to the Church. 3.H.7.12.

They shall 2 Now, although Churchwardens shall
haue actio. haue none action at the common Law to
recouer a Legacie, or such other thinge
which they neuer had: yet neuerthelesse, if
any such goodes, or ornaments of the
Church

62 The dutie of Churchwardens.

Church be once in their possession & custo-
die, then shall they maintaine an Appeale
of robbery against him that stealeth them,
or an Action of trespas against him that
shall wrongfully take them away, though
it be the Vicar, or Parson himselse, & the
damimages that they shall recouer therby
shal be to the vse and benefit of the parish,
and not to their owne vse. But if those
Churchwardens (from whom the goodes
were so taken) shall happen to die befoze
any Action by the brought for the goods,
yet shall the next Churchwardens haue
Action for the same.

37.H.6.38.
& 34.
11.H.4.12.
8.E.4.6.

26.H.

**They may
not waste
the Church
goods.**

3 And forasmuch as these Churchwar-
dens be Officers, put in trust for the be-
hoofe of their Parish, therefore also are
they not enabled with anie other power,
then for the good and profit of the parish:
So that churchwardens can neither giue
away, nor release at their owne pleasure,
the goods of the Church. For if the Pari-
shioners shall finde that they doe vnprofi-
tably wast, or mispend the goods of p pa-
rish, then may they remoue such Church-
wardens, by making their choise of new:
which new officers may (by Action of ac-
count) cal to account the former Church-
wardens, and shall thereby compell them,
both to giue reckoning of their doings du-
ring

Fi.12. br.
91. K.
19.H.6.66.
al. contr.

8.E.4.6.

**They may
be remoued
& brought
to account.**

cal to account the former Church-
wardens, and shall thereby compell them,
both to giue reckoning of their doings du-
ring

16.H.8. 5.

ring their office, and also to make satisfaction to the vse of the parish, for the harme that it hath receiued by their fault. And although the vsage and custome of the parish bee, that the Churchwardens there shall continue in their Office, by the space of one whole yeare, or two yeares or more (as indeede some Parishes haue such customes) yet vpon such, or the like misdemor or fault in them, may the parishioners at all times procede to an election of new Churchwardens, & may remoue the olde, for that otherwise they haue no meane by our Law to call them to their Account: but by such as shall bee put in their place. Neuerthelesse, those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needfull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meete and lawfull ornaments or other furniture of the Church or parish: because they are compellable (by the Ecclesiasticall Lawes) so to lay forth the goodes of the Parish committed to their custodie and charge. They shall haue allowance also (vpon such their Account) of the money paid by them for relief of prisoners in the common gaole, by vertue of the

64 The dutie of Churchwardens.

the statute 14. Eliz. cap. 5. and of what-
soeuer other thing that they are by Lawe
charge able to doe.

4 This (in effect) is the power & charge They haue
not to doe
with lands
that the comon law doth giue to Church-
wardens: for as touching anie estate in

lands, or the profits of any lands, Church-
wardens haue not to meddle at all: In so
much, that if the walles, windowes, or
doores of the Church, bee broken, or the
trees in the Churchyard be cut downe, or
the grasse therof be eaten vp, then the par-
son, or Vicar (& not the Churchwardens)

11.H.4.13.

12.H. 7.77.

13.H.7. 9.

shal haue the actiō for it: because church-
wardens are not by law allowed to bee a
Corporation for any other thing: then

for moueable goods only. Now therefore Church-
wardens
office, by
statute.
I will shew how their office is increased
by a few Statute lawes, that do concerne
the same.

5 All persons inhabiting within the Repaire to
the Church
Kinges Maiesties Dominion, shall dili-
gently & faithfully (hauing no lawfull or
reasonable excuse to be absent) indeuour
thēselues to resorte to their parish Church
or chappell accustomed, or (vpō reasonable
let therof) to some vsual place where com-
mon praier and such seruice of God (as is
contained in the book of comon praier)
shal be bled in such time of let, vpon euerie
Sunday

The duction of Churchwardens. 65

Sunday and other dayes ordained & vbled to be kept as holy dayes: and then & there to abide orderly and soberly, during the time of the Common prayer, preachings, or other seruice of God, there to be vbled & ministred, vppon paine of punishment by the Censures of the church, and also vpon paine that every person so offending shall forfeit for every such offence xii. s. to be leuied by the Churchwardens of the Parish where such offence shall be done, to the vse of the pooze of the same Parish, of the goodes, landes, and tenements of such offendour, by way of distresse.

2. & 3. P. & 6 The Constables & Churchwardens High,
M.c.8. & 5. of euery Parish shall yearely vppon the water.
Eli2. cap. 13 tuesday or wednesday in Easter week, call

together a number of the Parishioners, & shall then elect and choosetwo honest persons of the parish to be Surueyors, and orderers of the workes for one yeare, for amendment of the Highwaies in their Parish, leading to any Market towne: which persons shall take vpon them the execution of their said offices, vpon paine, euery of them making default, to forfeit xx. s. And the said Constables and Churchwardens shall then also name and appoint six dayes for the amendment of the said highwaies before Midsummer then next following:

C

any

66 The dutie of Churchwardens.

and shal openly in the church the next Sunday after Easter giue knowledge of the same five dayes. And they also ought to haue one part of the Estreats indented, and shall call the Constables to account &c. as it doth appeare before in the 30. Article of the Constables office.

7. See after also in the office of the Surueyours of the Highwaies, for leuying those forfeitures, by the churchwardens, if the Surueiours shall not leuy & imploy the same within one yeare after the offence committed.

Refuse to
come to the
Church.

8 And see in the 4. article of the dutie of the Ministers, that the Churchwardens may giue notice to such as inaine, or retaine in house, or otherwise, any person that obstinately refuseth to come to the Church.

Eate flesh.

9 If any person within this realme, shal (without lawfull licence) eat any flesh upon any daies now vsually obserued as fish daies, shall forfeit iii. li. for every such offence, els suffer 3. months imprisonment. And every person within whose house any such offence shalbe done, & being prouide or knowing thereof, & not effectually disclosing the same to some publike Officer, having authoritie to punish the same, shall for every offence forfeit 40. s. The third part

5. Eliz. ca. 5.

The duetie of Churchwardens. 67

part of all which forfeitures shall be to the use of the parish wherein the offence shall be, & to be leuied by the Churchwardens after any conuiction in that behalfe.

5. Eliz. ca. 5. The licence for eating of flesh, to be giuen to any person for notorious sicknesse, by the Bishop of the Diocessie, or by the Parson, Vicar, or Curate of the Parish, ought to be registred (if that sicknesse shall continue aboue eight dayes after such licence granted) in the Church booke, with the knowledge of one of the Churchwardens there: & the party licenced shall giue 4. d. to the Curate for the entry thereof.

Licence to eat flesh,

43. Eliz. c. 2. 10 The Churchwardens & foure, three or two others of euery Parish, appointed by the two Iustices of peace, to be Ouerseers of the poore there, (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons married or vnmarried that haue no meanes, or ordinarie trade to liue by, and the children of such Parents as shall bee thought vnable to maintaine them: and may take aswel Inhabitants, or occupiers of landes in the Parish to pay weekly, or otherwise, such competent summes of mony (as they shall thinke meet) for a stocke of ware & stufte for such poore to worke, and for the necessarie reliefe of

Poore.

68 The dutie of Churchwardens,

the impotent poore there, and for the putting out of such childezen to be Apprentices; and may execute al other things, concerning the promises, as to them shall seeme convenient. Sec 1. Ia. cap. 25. they to whom the ouerseers of the poore shalbe according to y^e statute of 43. Eliz. c. 2. bind any childezen Apprentices, may take, receive, and keepe them as Apprentices in any former Statute to the contrary notwithstanding.

**Church-
wardens &
Ouerseers.**

And they shall meete together once in each month at the least in the Church by- on some Sunday in the afternoone, to consider of some good course, and meete orders to be set downe in the premisses, & within 4. dayes after their yeare ended, & other ouerseers nominated, shall yeld by to the two Iustices of peace, a perfect accompt of their Honey, Stocke, and other things concerning that office, and shal pay the monyes that shalbe in their bandes, to the new Churchwardens and Ouerseers, vpon paine to lose xx. s. for euery such monethly absence, (without cause, to be allowed by the two Iustices) & for euery negligence in the execution of the said office, or orders made by assent of the two Iustices as is aforesaid. And the said Churchwardens & Ouerseers (or any of them) by warrant,

37.
& 1.
cap.

The dutie of Churchwardens. 69

rant from two such Iustices, may leaue such taxations by distresse and sale of the offenders goods, as also the money behind vpon any such account, tending the ouerplus to the partie: and they (with pleasure of the Lord of a Common, or Masse, in writing) may erect their conuenient habitations, and place Inmates therein, at the generall charges of the Parish &c.

When the stocke of the shire, is assessed by the Iustices of Peace in their quarter sessions vpon euery Parish: the same shall be yearely rated within the Parish by agreement of all the Parishioners, or in default thereof by the Churchwardens and Constables of the parish, or the more part of them, who may leaue the same by distresse and sale of the goodes of such as refuse to pay their portion thereof, and shall tender the ouerplus thereof to the owner: and the Churchwardens must ratably pay ouer to the high Constable, in whose limite the Parish is situate ten dayes before the end of euery quarter Sessions, such money as for that Parish they ought to pay for the reliefe of the prisoners in the Marshalsey & Kings bench, vpon forfeiture of 1.s. for euery default of such payment.

3 E. ca. 15.
& 14. Eliz.
cap. 11.

¶ In euery parish, the Churchwardens **Destructio**
with 6. other parishioners (to be required of vermine

79 The dutie of Churchwardens.

by the Churchwardens) shal yerely in one of the holy daies in Easter weeke, and at euery other time when it shal be needfull, take & aslesse euery person hauing the possession of any lands or riches within y parish, to pay such summes of mony as they shal think meet, according to the quantity of such their lāds or riches. And if any such person do deny to pay the same, or doe not pay the same (within 14. dayes next after request thereof made by the Churchwardens, or one of them) then such person shal forfeit for euery time v.s. which together with the summe aslessed) shalbe leuyed by distresse, of the goods and cattels of such person, to be taken by the Churchwardens, or one of them, the same distresse to be ordered & vled, as distresses taken for amerciaments in any Leets. And aswel the said summes as penalties, (if any of them be so leuied, shalbe yearely by the Churchwardens, or one of them for the time being, deliuered by Bils indented, to two honest and substantiall persons of the Parish which shalbe elected & appointed by the Churchwardens, and shalbe named, The Distributers of the prouision for the destruction of noisome foule & vermine. And if the said Churchwardens, 6. persons, or Distributers, or any of them, shal refuse, or
make

¶ The dutie of Churchwardens. 71

make default in the execution of any part of this acte, contrary to the forme thereof, then such offender shal forfeit for every default, v. li. the one moitie to the King, the other to him or them (vsing tillage perely within the same shire) that will sue therefoze in any Court of Record.

43. Eliz. c. 3. 12 The money assessed at the Quarter Session by the Iustices of peace vpon euery parish for the reliefe of disabled Souldiers money.

may bee rated (in default of agreement of the Parishioners amongst themselves) by the Churchwardens & Constables of the Parish, or the moze part of the: and they may leuie such Rates by distresse and sale of the goodes of such as refuse to pay their rates, rendring to the owner the ouerplus coming of such sale: & p churchwardens must collect and pay ouer to the high constable in whose diuision such parish is, euery such summe ten dayes befoze euery quarter Session of the peace, vnder the paine of xx. s. for euery default thereof.

13 1. Ia. cap. 27. If any shall haue or keepe anye Greyhound for coursing of Dere or Hare, or setting dogge or dogges, or net or nets to take Pheasant or Partridges contrary to the Statute, the Churchwardens of the Parish where the offence shalbe comited, or the partie apprehended,

are in cases therein mentioned, to receiue to the vse of the poore of the parish, 40. s.

For the rest of the office of the churchwardens, cōcerning this matter, see afterward in the dutie of these Distributers. See also in Constables articles 25. for the gaole money, to be leuiued by Churchwardens.

The Office of the Superuisors, Surueyors, or orders of the works for amending of the Highwayes.



Upon the sixe dayes appointed for the working in the Highwayes, in such sort as is before declared in p. 6. Article of the Churchwardens office, euery person for euery plow land in tillage or pasture that hee or they shall occupie in the same parish, & euery other person keeping there a draught or plough, shall find & send, at euery day & place to be appointed for p. amending of the waies in the parish as is aforesaid, one waine or cart, furnished after the custome of the countrey, with oxen, horses or other cattell, and all other necessaries, meet to carrie thinges conuenient for that purpose, & also two able men with p. same vpon paine of euery draught, making default 1. s. And euery other housholder, and also euery cotager & labourer of that Parish,

2. & 3. Phil.
& M. c. 2. &
3. Eli. c. 13.
& 39. Eliz.
cap. 19.

rish, able to labour, and being no hired ser-
 vant by y^e pere, shall by themselves or one
 sufficient laborer for every of them, upon
 every of the said 6. dayes worke & trauaile
 in the amendment of the said Highwaies,
 vpon paine of every person making default
 to lose for every day xii. d. And if the car-
 riages of the parish or any of them shal not
 be thought needfull by the Superuisors
 to be occupied vpon any of the said dayes,
 that then every such person that should
 haue sent any such carriage, shall send to
 the said worke for every carriage so spa-
 red, two able men there to labour for that
 day, vpon paine to lose for every man not
 so sent to the sayd worke xii. d. And every
 person and carriage abovesaid, shall haue
 and bring with them such shouels, spades,
 pickes, mattocks, and other tooles and
 instruments, as they doe make their owne
 ditches and fences withall, and such as be
 necessary for their said worke. And all the
 said persons and carriages shall doe and
 keepe their workes, as they shalbe appoin-
 ted by the said Superuisors, or one of them
 viii. houres of every of the said dayes, vn-
 lesse they shalbe otherwise licenced by the
 said Superuisors, or one of them.

From hencefoorth it shall and may bee
 lawfull to al and singuler Superuisor and
 Superui-

Superuifors and orderers of the workes
 for the time being, for the amendement of
 the said highwaies, thereunto elected and
 appointed, according to the statute made
 in the second and third yere of King Phil-
 lip & Queene Marie, for the better repa-
 ration and amendement of the highwaies
 within their seuerall parishes and limites
 where they shall be so made Superuifors,
 (if it shall bee so to them thought necessa-
 rie) to take and carrie away of the rub-
 bish, or smallest broken stones of anie
 quarrie or quarries lying or being within
 the parish where they shall be Superuifors
 without licence, controulement or impeach-
 ment of the owners or owner, so much as
 by their discretions shalbe deemed & iudg-
 ed necessarie to the amendement of the
 sayd highwaies. And that for default of
 anie such quarrie or quarries, it shall and
 may be lawfull for enery such Superuifor
 or Superuifors, for the vse aforesaid, in the
 seueral grounds of any person or persons,
 being within the parish, and limites where
 they shall be Superuifors, and nigh adioy-
 ning to the way or wayes wherein such
 reparations shall be thought necessarie to
 be made, and wherein grauell, sand, or sin-
 der is likely to be found, to digge or cause
 to be digged, for grauell, sand or sinder
 and

and likewise to gather stones lying upon any lands or grounds within the parish, & meete to be used to such service & purpose, therefore to take & carry away so much as by discretion of the said Superuisors shall be thought necessary to be employed in the amendement of the said highwaies. Provided alwaies, that it shall not be lawfull to any such Superuisor or Superuisors, by vertue of this acte, to cause any rubbish to be digged out of any quarrie or quarries, but only shal extend to such rubbish as shal be found there ready digged by the owner or owners of the said quarrie or quarries, or otherwise by his or their licence & commaundement, nor shall not extend to giue authozity to any Superuisor or Superuisors to dig or cause to be digged, anie grauell, sand, or sinder in the house, garden, orchard, or medow, of any person or persons, nor that it shalbe lawfull by this act to any such Superuisor or Superuisors to cause any moze pits to be digged for grauell in any seueral or inclosed ground the one only, and that the same pit or hole so digged for grauell as is aforesaid, shall not by any way be in bredth or length aboue x. yards at the most. And that euery such Superuisor as shall cause any such pit to be made, and digged for grauel, sand, or sinder, as is aforesaid,

aforesaid,

76 The Office of Surueyors, &c.

aforesaid,shal within one moneth next after any such digging or pit made, cause the same to bee filled, and stopped vp with earth, at the cost and charges of the parishioners, vpon paine to forfeit to the owner and owners of the soyle, wherein any such pit shalbe made and digged, for euery default, five markes.

From hencefoorth, euery such Superuifor and Superuisors, as is aforesaid, shall by force of this act, within the parish or limits where he or they shalbe Superuisors, haue full power & auctoritie to turne any such water course, or spring of water, being in any of the sayd Highwaies, into any ditch or ditches, of the seuerall ground or soyle of any person or persons whatsoeuer, next adioyning to the said wayes, in such manner and forme, as by the discretions of the said Superuisors shalbe thought meetest and most conuenient.

Such Superuifor or Superuisors for the time being, within one month next after default or offence, made, done, or committed by any person or persons, contrarie to the prouision, purpozt, & true meaning of the statute made (concerning Highwaies (in the second & third yere of King Philip & Queene Marie, shal present euery such default or offence to the next Justice

vice of peace for the time being, by paine to forfeit for every such default & offence, in such sort not by them presented, xl. s.

Every person or persons (except such as shall dwell in the Citie of London) that shall be assessed to the payment of any Subsidie to his Maiestie to v. li. in goodes, or xl. s. in landes, or above, during all such time as he shall stand so assessed & not altered, & being none of the parties chargeable for the amendment of Highwaies by any former law, but as a Cottager, shall find two able men yearly to labour in the highwaies, at such daies & times, as by the severall statutes thereof are limited & appointed. And every other that hereafter shall occupie a plough land in tillage and pasture, lying & being in severall parishes, shall bee chargeable to the making of the waies within the parish where hee dwelleth as far forth, & in such maner & forme, as any person having a plough land, in any one parish, is or ought to bee chargeable, by reason of the said former Statutes, or either of them. And every person or persons, occupying & keeping in his or their houses or possessions, severall or divers plough landes, as aforesaid in severall or divers townes, shall bee charged to find in each towne or parish (where the plough-lands

lands being in his occupying doe lie) one Cart, Waine, Cumbzell, dunge Pot, or Court, Sleads, Carres, or Drags, furnished for the amendment & repairing of the Highwaies, within the severall Parishes where the said plough lands do lie, in such manner & forme, as if he or they were a parishioner dwelling within the Parishes, where y^e same severall plough lands do lie.

Every person or persons, that shall not repaire, ditch, or scower, any haies, fences, ditches, or hedges, adioyning to any highway, or common fairing way, or shall not cut downe or keep low all trees & bushes, growing in, or next adioyning to any the said waies, according to the true intent & meaning of the Acte made in the fift yeere of the raigne of Queene Elizabeth, for euerie offence committed therein contrary to the true intent thereof, shall forfeit & loose for euery default x. s. And all and euery person & persons, that shall occupie any lands adioyning to the said ground, so adioyning to any such highway, or common fairing way, where any ditching, or scouring should or ought to be, as aforesaide, shall from time to time, as neede shall require, ditch & scower in his or their ground so adioyning, whereby the water conueied from the said highway, or common fairing way,

way, ouer the ground next adioyning, may haue passage ouer the said ground, so next adioyning to that ground, vppon paine of forfeiture for euery time so offending, for euery Rod not so ditched & scoured, xii. s.

No person or persons hauing anie ground by lease or otherwise, adioyning to any highway, or common fairing way, leading to any Market towne, shall cast or scoure any ditch, and throw, or lay the soyle thereof into the highway, and suffer it to lie there by the space of six Monethes, to the annoyauce of the said highway, or common fairing way, vpon paine of forfeiture for euery load of soyle, so cast into the highway, or common fairing way, in ditching or scouring xii. s. And where any heretofore haue bine so cast into the highway, or common fairing way, that there is a banke betweene the said way and the ditch, it shall be lawfull for the Suruicors and workemen, by the lawes & statutes of this Realme, appointed for the amending of the said waies, to make sluices, or other deuises by their discretions, to conuey water out of the said way into y^e ditch: any law, right, interest, custome, or vsage, to the contrarie notwithstanding.

Euery penaltie, summe or summes of money forfeited for any cause within the statute,

Statute, shall be leuied in euery parish by the Surueyors of the wayes within that parish for the time being, by distresse and sale of distresse, in maner & forme, as fines, or amerciements in Lettes haue bin vled, & the money so leuied, to be imploted vpon the Highway, or common faying way where the offence was committed. And if the Surueyors shall not or will not leue & employ the same within one yere after the offence so committed, that then the saide summe or summes, forsaiture or forsaitures, shall bee leuied in forme aforesaid, by the Constables or Churchwardens of the towne or parish where the work ought to be done in the highway (as is aforesaid) & that he or they so leuying any of the said penalties or forsaitures, shall make & yeeld such account as is appointed in the before recited statutes, or either of them.

In the wealde of Kent, Suffex, & Surrey, the Surueyors within the Parishes where the Highwaies shall be most annoyed, shall (in default of appointment by the Iustices of peate) assigne & apoint in what places of the highwaies there, the Sinder, grauell, stone or chalke, (to be carried by the occupier of Iron workes) shall be layed & bestowed: vnder the pain of xli.s. of euery such Surueior for euery such default, and

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and they shall make demand of the forfeitures of money to bee paid in default of such carrages : & shall present euery such default of carriage, or payment, at the next quarter sessions of that countie, vpon like paine of xl.s. for euery default by them.

The Office of the Distributers of
the prouision for the destruction of
noysome foule and Vermine,

8. Eliz. c. 15

& 14. Eliz.

cap. 11. &

39. Eliz. c. 18.

These Distributers being so chosen, & hauing money, (as is before shewed in the viij. Article of the Churchwardens office) shall giue and pay of the same money so to them deliuered to euery person that shall bring to them any heades of old Crowes, Choughes, Pies, or Rookes, taken within the seuerall parishes, for the heads of euery 3. of them a peny : and for the heades of euery sixe young Crowes, Choughes, Pies, or Rookes, taken, as is aforesaid a peny, & for euery six egges of any of the vnbroken a peny : and likewise for euery 12. Stares heades a peny. All which said heads & egges, the said Distributers in some conuenient place shal keepe, and shall euery moneth at the least bring forth the same before the sayd Churchwardens,

f

wardens,

wardens, and taxors of thre of them, and then & there to them shall make a true account in wryting, what money they haue laid forth and paid for such heads & egges, and for the heads of such other rauinous birds and vermine, as are hereafter in this act mentioned. That is to say: for euerie head of Herton, Hawkes, Furle kite, Gold kite, Bullard, Scag, Carmerant, or Ring taile, ii. s. and for euery two egges of them a peny: for euery Iron or Dispraies heads iiii. s. for the head of euery Woodwall, Pie, Jay, Raven or Kite, a peny: for the head of euery bird, which is called y^e kings fisher, a peny: for the head of euery Bulfinch or other birde, that deuoureth the blouth of fruit, one peny: for the heads of euery Fore or Gray, twelue s. and for the head of euery Fithewe, Polcat, Welsell, Stote, Faire, Badger, or Wildecat, a peny: for the heads of euery Otter, or Wedg-bog two pence: for the heads of euery iii. Rats, or twelue Pice, one penie: for the heads of euery Moldwarpe, or Mant, an valse penie: for the heads of euerie which birds and vermine last mentioned, the last Distributers shall likewise pay & giue to the byinger of them, for euery head killed & taken within their seuerall parish, as before is limited, & shall keepe the same to be shewed

of the prouision for the Dist. &c. 83

shewed forth vpon their account in maner
and forme as is aforesaid. All which sayd
heads and egges shall be soothwith after
such account made in the presence of the
said Churchwardens, and Carors, or of
thre of them, burned, consumed, or cut in
sunder.

And if vpon any account to bee made
in the end and determination of the of-
fice of any such Distributers, it shall ap-
peare that any summe of money is re-
mayning in the hands of the said Distri-
buters, or any of them, then the same shall
be by Bill indented, as is aforesaid, deliue-
red ouer to such persons, as be or shall be
elected to the same Office, for the yeare
next following, by them to be distributed
as is aforesaid. This shall not in anie
wise extende, to giue any libertie or au-
thoritie to any person or persons, to vse
or exercise any meanes or engine, for the
destruction of Crows, or rookes, choughs,
or other the vermine aforesaide in anie
place or places, to the disturbance, let or
destruction of the building or byeeding of
any kind of Hawkes, Herons, Egrettes,
Paupers, Swannes, or Shouelers: or to
the hurt and destruction of anie Doues,
Dovehouses, Deere, or warrē of Conies,
nor extend to giue or appoint any summe

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of summes of money to be giuen, payed, or distributed, to any person or persons, for the head or heades of any Buzard, Ring-taile, Herne, Polcat, Fitchew, or Stote, taken in any Parke, Warren, or ground, employed to the maintenance of any game of Conies, or to any Stares taken in Dovehouses, nor to the killing or bringing the head of any Kite, or Rauen, killed in any City, or towne corporate, or within two miles of the same.

The effect of the Statutes made in the Session of Parliament lastly holden, which are most necessary for the said Officers to know, as touching their offices, and the ordering of the Infected with the plague.



Whereas in the statute 39. Eli. 1. Ia. cap. 7. cap. 4. in the declaration, who shall be deemed as Rogues, there is an exception for players of Enterludes, and Minstrels belonging to any Baron of this Realme, or any other Honorable personage of greater degree, to bee authorized to play vnder the hand and seale of Armes of such Barons or personages by the statute 1. Iac. cap. 7. It is enacted that no authoritie to bee giuen

uen or made by any Baron of this realme, or any other honorable personage of greater degree, vnto any person or persons shal be available, to free and discharge the said persons or any of them from the paines & punishments in the said Statute mentioned, but that they shall bee taken within the offence and punishment of the same.

And whereas in the Statute 39. Eliz. there was a prouiso for Glassemen, It is enacted that all such person & persons as shall wander vp and downe the Countrey to sell Glasses, shall be taken and punished as Rogues, vagabonds & sturdy beggers.

And that such Rogues as be adiudged incorrigible or dangerous, shall by the iudgement of the Iustices of Peace, or the moze part of them present, in their open Sessions of the Peace, be banded in their left shoulder with an hot burning Iron of the ye adth of an English shilling, with a great Roman R. vpon the Iron, and the bāding vpon y shoulder to be so thoroughly burned and set on vpon the skin & flesh, that the letter R. be seene, and remaine for a perpetuall marke vpon such Rogue during his or her life, and thereupon be sent by the same Iustices to the place of his dwelling if he haue any, if not, then to the place where he last dwelt by the space of a

peare, if that can be knowne by his confession or otherwise: And if that cannot bee knowne, the to the place of his birth, there to be placed in labour, as a true Subject ought to doe: And after such punishment of any such Rogue as aforesaid, If anie Rogue so punished shall offend againe, in begging or wandring contrary to the said statute, or this present act: That then in euery such case, the party so offending shall be iudged a felon, & shall suffer as in cases of felonie without benefit of Clergie the same felonie to bee tryed in the Countie where any such offender shall be taken.

Cap. 9.

And that euery person or persons shall apprehend or cause to be apprehended, such Rogues, Vagabonds, & sturdy Beggers, as he or they shall see or know to resort to their houses to begge, gather, or receiue any almes, and him, her, or them, shall carrie or cause to be carryed to the next Constable or Tythingman, vpon paine to forfeit for euery default x. s. to be leuied and imploied in manner & forme, and vpon such like prooffe & conuiction, as penalties & forfeitures are to bee leuied & imploied by the said statute of the nine and thirtie yeere of the said late Queene. And in default of any such leuie, then to be leuied & imploied by the Lord of the Leete, or his Officer,

Officer; where such offence shall be committed, in such manner as the persons authorized by y^e said statute, might or should haue leuyed or imployed the same.

And that if such Constable or Tythingman doe not cause the said Rogues, Vagabonds, and Sturdie Beggers to bee punished, according to the forme set down in the said Act made in the 39. yere of the raigne of the said late Queene Elizabeth, and to be conueyed according to the purport of the said Acte: That then the sayd Constable or Tythingman shall forfeite & lose y^e summe of xx. s. for every default, to be leuyed and imployed in manner and forme, as in the said statute is set forth and declared.

1. Ia. cap. 9. If any Inkeeper, Victualler, or Alehouse keeper, within this realme of England or the dominion of Wales, doe permit or suffer any person or persons inhabiting and dwelling in any City, Towne corporate, Market towne, Village or Hamlet, within this realme of England, or dominion of Wales, where anie such Inne, Alehouse, or Tipling house is or shalbe, to remaine and continue drinking or tipling in the said Inne, Victualling house, Tipling house or Alehouse, or her then such as shall be invited by any Tra-

ueller, and shall accompany him only during his necessarie abode there, and other then labouring and handycraftesmen in Cities, and Townes corporate, & Market townes vpon the vsuall working daies for one houre at dinner time, to take their diet in an Alehouse; and other then labourers and workemen, which for the following of their worke by the day or by the great in any City, Towne corporate, Market town or village, shall for the time of their said continuing in worke there, sojourn, lodge or victuall in any Inn, Alehouse or other victualling house, other then for urgent & necessarie occasions to be allowed by two Iustices of peace: That then euery such Inkeeper, Victualler or Alehousekeeper, shall for euery such offence, forfeit and lose the summe of x. s. of currant money of England to the vse of the poore of the parish where such offence shalbe committed; The same offence being viewed & scene by any Maior, Bailife, or Iustice of Peace, within their seuerall limits, or proued by the oath of two witnesses, to be taken before any Maior, Bailife, or any other head Officer, or any one or more Iustice or Iustices of the Peace, who by vertue of this Act, shalbe authorized to minister the said oath to any person or persons, that

Cap.

that can or will iustifie the same; being within the limittes of their said Commission.

Cap. 9.

And if any Inkeeper, Alehousekeeper, or victualler, shall at any time utter or sell lesse then one full ale quart of þ best Beere or Ale for a pennie, and of the small two quarts for one pennie, that the every such Inkeeper, Alehousekeeper, or Victualler, shall forfeit for every such offence, being duly pproved in manner aboue limited, the summe of xx. shillings of lawfull money of England to the vse abovesaid; All and every the said penalties to bee leuyed by the Constables or Churchwardens of the parish or parishes, where the offence or offences shalbe committed, by way of distress to bee taken and deteyned for the said forfeitures, & for default of satisfaction within sixe dayes next ensuing, the same then to be presently apprysed and sold, and the surplusage or remainder over & aboue, to be deliuered to the partie of whom the distresse was taken; And for want of sufficient distresse, the partie or parties offending, to bee by the Mayoꝝ, Bailife, other head Officer or Iustice or Iustices aforesaid, committed to the comon Gaole, there to remaine vntill the said penaltie or penalties be truly paid,

And

And if the Constables or Churchwardens, do neglect their duties in leauping; or doe not leuie the said seuerall penalcies or in default of distresse or distresses from time to time; doe neglect to certifie the same default of distresse; by the space of twentie dayes then next ensuing, to the Maior, Bayliffe, or other head Officer, or Iustice of Peace within whose iurisdiction the offence is committed: then euery person and persons so offending shall forfeit for euerie such default, the summe of fortye shillings of currant money of England; to the vse of the pooze of the Parish, where such offence shall be committed; to be leuied by way of distresse, of the offenders goods, by warrant from any one or more Iustice or Iustices of the Peace, Maior, Bayliffe, or other head Officer within the limittes of their iurisdiccions respectiuelly, vnder his or their hand and seale, to be taken and detayned for the said forfeitures, for the space of six dayes then next ensuing, within which time if payment bee not made the same goodes to be presently apprysed and sould, and the surplusage and remainder ouer and aboue (if any bee) to be deliuered to the partie of whom the distresse was taken; And for want of such sufficient distresse,

stresse; the Constables, Churchwardens, or Churchwardens so offending, to be by the Mayor, Bayliffe, or other head Officer, Justice, or Justices of Peace, committed to the common gaole, there to remaine untill the said penaltie or penalties be truly payde: for all which penalties which so shall be leuied by the said Constables or Churchwardens, they the said Constables or Churchwardens shall be accomptable to their successors, and other the Parishioners, in such sort as they usually be in other Church reckonings, or accompts, and for all forfeitures to be leuied by reason of any neglect of the Constables, or Churchwardens, those shall be accomptable, who by force of any warrant or precept doe leuie the same, or vpon the enlargement of persons committed, do receaue the same.

All other Lawes and Statutes touching Inkeepers, Actuallers, and Alehousekeepers, shall still remaine in their former force, and bee put in their due execution. Cap. 9

All and euery person & persons which haue or keepe anie Greyhounds, for coursing of Deere or Hare, or setting Dogge, or Dogges, or Nettes or Nettes to take Whelmaunts or Partridge, except such person 1. Ia. cap. 27

92 The duetic of Constables.

person or persons which shall bee seised
in their owne right, or in the right of their
wives, of landes, tenements, or heredita-
ments, of the cleare yearely value of x. li.
by the yeare or more, ouer and aboue all
charges and reppises of some estate of in-
heritance, or of landes, tenements, or here-
ditaments, in his owne right, or in the
right of his wife, for terme of life or liues,
of the yerely value of thirtie pounds, ouer
and aboue all charges and reppises, or bee
possessed of goods or chattels, to the full
value of two hundred pounds to his owne
use, or be the sonne or sonnes of any knight
or of any Baron of Parliament, or of
some person of higher degree, or the sonne
and heire apparant of any Esquire, and
being thereof conuicted, as aforesaid, shall
by the sayd Iustices of the Peace, be com-
mitted & imprisoned in manner & forme
as in, and by this present Act before is ex-
pressed, specified & declared; Except such
person & persons so offending, and thereof
conuicted as aforesaid, doe forthwith pay,
or cause be payed to the Churchwardens
of the said parish, where the said offence
shall bee committed, or the partie appe-
bended, to the use of the poore of the sayd
parish, the summe of fortie shillinges of
good and lawfull money of England.

No

Cap. 29

Cap

Cap. 29.

No licence or licences heretofore made or graunted, or hereafter to bee made or graunted, to any sicke or infirme person or persons, to eat flesh during the time of his, her, or their sicknesse or infirmicie by force of the statute of Anno quinto Eliz. Reg. shall from the feast of S. Michael next comming, be any sufficient warrant to anie such person or persons, to eate anie beefe, veale, porke, mutton, or bacon in the time of Lent, or vpon any day now obserued as a fish day, but that the said sicke or infirme person or persons, shall for dres- sing, or eating of such beefe, veale, porke, mutton, or bacon, incurre the daunger and penaltie comprised theretofore in the sayd Statute, notwithstanding any such li- cence heretofore graunted, or hereafter to be graunted to the contrary.

Cap. 29.

No Butcher or other person whether he be licenced or not licenced to kill flesh, shall from henceforth at anie time in the time of Lent, kill or dresse to the intent to put to sale any ox or oren, beeuves, or be- uets, hogges, calues, rammes, ewes, or weathers, except oxen or beeuves for victu- alling of shippes into forreine parts, And except al flesh to be killed three dayes next befoze Easter perely, vpon paine to forfeit and lose the same oxen, beeuves, beuettes, hogges,

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hogges, calves, rammes, ewes, and weathers so killed and dressed contrary to this Statute, or the value of them.

Cap. 29.

All Iustices of the peace, Mayors, Bailiffs, head Officers & Constables, as well of Cities and Townes corporate, as in euery Countie of this Realme shall haue power and authoritie by force of this act, yearly in the time of Lent, to enter into all houses of Victuallers, and common victualling houses within their iurisdictiones, where such offences shalbe suspected to be committed, & finding any such oxen, heeces, becucts, hogges, calves, rammes, ewes, or weathers killed or dressed, or any part or parcel of the same, contrary to this Statute, shall take and seise the same as forfeited; and shall giue and distribute the same to prisoners, and other poore folkes by their discretion.

Cap. 29.

Euery Tauerner, Inkeeper, keeper of euery common Tabling house, common Cooke, common Tipler, or Alehouse keeper, offending at any time here after in the dressing of any flesh victuall contrarie to the said Statute, of anno quinto Eliz. or contrarie to this Statute, shall not onely forfeit all the said flesh so dressed, but also the penaltie imposed by the same Statute of anno quinto Eliz. for euery offence to be

Borholders, Tythingmen, &c. 95
be committed after the feast of S. Micha-
ell the Archangell next comming, the one
halfe of all which forfeitures, (except such
forfeitures as shall be found and taken by
the Iustices of Peace, Maiors, Bailifes,
head officers and Constables, according to
the tenor of this Act) shall be to our Soue-
raigne Lord the King, and the other halfe
to such person or persons as shall sue or
informe for the same in any Court of Re-
cord, by action of debt, bill, plaint, or in-
formation, wherein no essoine, pro-
tection, or wager of Law shall be
allowed to the defendant.

F I N I S.

The first of these is the fact that the
 government has a large stock of
 bonds, which it can sell at a
 profit, and use the proceeds to
 pay off the debt. This is a
 very simple and effective way
 of reducing the debt, and it
 has been used by many
 governments in the past.

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